

Chappaquiddick papers lost but

DA has copies

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EDGARTOWN — Original police documents on Sen. Edward M. Kennedy's Chappaquiddick accident, are still missing, but the district attorney said yesterday it doesn't matter because he has copies.

Sgt. Bruce Pratt, acting head of the police department, said it was highly irregular that the papers cannot be found, but district attorney Philip Rollins said police records often get misplaced.

"I am not concerned because I have copies of all reports," Rollins said. I feel there was no conspir-

acy or anything of that nature. Original documents get misplaced, especially police reports. Our file is intact and complete."

But Pratt said that since he has been with the department it has been "very irregular that original documents become missing."

The mystery of the vanished records was raised recently in a book by Carl Gottlieb a script writer for the movie "Jaws," which was filmed at Martha's Vineyard last summer.

Gottlieb said he had

been told by Jesse Oliver 2d, then chief of the 12-member Edgartown department, that the records of the 1969 auto accident had disappeared from the files.

However, between the time that Gottlieb talked with Oliver and the book was published, the missing documents — including the original accident report and a copy of Kennedy's first statement to police — were said to have been returned to the department.

However, Pratt says they are still missing.

Dominick J. Arena, who

was Edgartown's police chief at the time of the accident, in which Mary Jo Kepechne died, said in another interview that when he quit the department in 1973, he took some of the records with him.

Now the police chief in Essex Junction, Vt., Arena said he wanted the papers to answer questions from newsmen and others.

Arena said he learned that the missing records were causing concern while taking part in a Boston radio talk show last spring. After that, he said, he made copies for himself and sent the re-

cords to his successor, Oliver.

Oliver was suspended as police chief for accepting money from Universal Studios, makers of "Jaws," and other alleged improprieties. He has since resigned, but supports Arena's claim of having returned the Chappaquiddick material.

"He sent the records back last April and they were there in June," Oliver said.

"As to what happened to the documents since then, or why the present department officials can't find them," he said. "I have no idea. That's their problem."

(Indicate page, name of newspaper, city and state.)

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BOSTON, MASS.

7 The BOSTON GLOBE
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(Mount Clipping in Space Below)

Transcript rights claimed by pair

By Walter D. O'Leary
Globe Staff

Atty. Jerome P. Facher, counsel for the two freelance reporters who took the stenographic notes at the inquest into the death of Mary Jo Kopechne at Chappaquiddick, charged today in Federal Court that his clients were deprived of substantial financial benefits.

He appeared before US Judge Andrew A. Caffrey. He told the judge that Suffolk Superior Court ordered the transcripts of the inquest to be sold to interested parties for \$75 each. However, he said that the two freelance report-

ers could have sold the transcripts for at least \$34,000 to the 112 customers they had lined up.

As it was, he said that the reporters, Sidney Lipman and Harold T. McNeill, received only \$3700 for their labors.

Pending before Judge Caffrey is a civil suit for damages brought by Lipman and McNeill against the Commonwealth of Massachusetts and Clerk Edward V. Keating of the Suffolk Superior Court.

The Edgartown inquest in Dukes County in January 1970 dealt with the death of Miss Kopechne a passenger in the car of

(Indicate page, name of newspaper, city and state.)

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BOSTON, MASS.

THE BOSTON HERALD
TRAVELER
BOSTON, MASS.

THE BOSTON RECORD
AMERICAN
BOSTON, MASS.

Date: 3/22/72
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Author: Walter O'Leary
Editor: Thomas Winship
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cc Bureau

Sen. Edward Kennedy when the car toppled off the bridge at Chappaquiddick on Madtha's Vineyard.

Atty. Facher contended that Lipman and O'Neill had the exclusive rights to sell the inquest transcripts after the document was made public by order of the Superior Court.

He told Judge Caffrey a freelance reporter usually charges 70 cents a page. But, even if the charge were only 40 cents a page, the official charge made by court reporters, his clients would have received a goodly sum.

Atty. Facher said there was tremendous public interest in the case and newspapers and magazines would have been willing to pay nearly any price for the transcript.

As it was, he said Judge Wilfred Paquette of the Superior Court ordered the

transcript sold for \$75 apiece and the judge supervised the sale.

"I bought a copy myself for \$75," said Facher.

Facher said Dist. Atty. Edmund Dinis of Duke's County authorized Lipman to make arrangements for taking the stenographic notes because Judge James A. Boyle of Edgartown had no budget to take care of this emergency.

A jury was impaneled by Judge Caffrey yesterday but today counsel for both sides agreed to waive the jury and the jury was dismissed.

Asst. Atty. Gen. Walter Mayo appeared for the commonwealth. Attys. James W. Kelleher and Kevin Keating appeared for the Superior Court clerk.

Lipman testified that he eventually received \$3700 from Dist. Atty. Dinis for his services.

(Mount Clipping in Space Below)

Court Sale Did Not Affect Reporters

Two stenographers who recorded testimony in the 1969 hearing into the death of Mary Jo Kopechne in a car driven by Sen. Edward M. Kennedy were not consulted before transcripts of the proceedings were put up for sale, it was testified Thursday in Federal Court.

The testimony was given by Suffolk Superior Court Clerk Edward V. Keating in a suit brought by the two stenographers claiming \$150,000 damages because they were not allowed to sell the transcripts.

The stenographers, Sidney R. Lipman and Harold T.

McNeil, claim they could have sold copies of the transcripts for up to \$325 a copy but that instead the court sold 112 of them for \$75 each.

Under questioning by Atty. Jerome Facher, counsel for the stenographers, Keating said there was no court order preventing him from conferring with the stenographers about sale of the transcripts.

"I could have, but I didn't," Keating told Judge Andrew A. Caffrey during the second day of the jury-waived trial.

Keating said the copies were not authenticated by the stenographers because the

original had been impounded by the court, and that it cost \$200 to have the copies authenticated.

He said the total cost of reproducing the 112 copies was \$5200 and that the income from the sale was \$8400.

A little more than \$100, representing the profit, he said, still remains in escrow pending settlement of the case.

He did not consider, Keating said, that the procedure used in the sale of the Kopechne-Kennedy transcript in any way affected the usual practice of allowing court reporters to sell copies of their transcripts.

(Indicate page, name of newspaper, city and state.)

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BOSTON, MASS.

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BOSTON, MASS.

THE BOSTON RECORD
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M. KENNEDY

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Justices Meet on Inquest

By BILL DUNCLIFFE

Five justices of the Supreme Judicial Court are scheduled to hold a formal — and possibly final — discussion Tuesday of their decision in the plea of Sen. Edward M. Kennedy and other prospective witnesses for a whole new set of ground rules at the still-delayed inquest into the death of Mary Jo Kopechne.

That decision, according to Chief Justice Raymond S. Wilkins, will be made public within 10 days thereafter — but observers said there was a chance it could be announced as early as Wednesday.

Those who will make it include Wilkins, and Associate Justices R. Ammi Cutter, Paul Beardon, Jacob J. Spiegel, and John V. Spalding, who heard the arguments for and against the appeal earlier this month.

In keeping with the court's usual practice, the judges held a "consultation" on the last Tuesday of each month to consider the cases still awaiting a ruling.

At that strictly private session, they exchange thoughts on the decision, agree on the wording of it, and, in the case of a dissent to the majority opinion, submit one express-

ing the views of the minority.

Kennedy, through Atty. Edward B. Hanify, asked that: the inquest be closed to the public;

Edgartown District Court Judge James A. Boyle be barred from presiding at it;

counsel be allowed to call or cross-examine witnesses, compel their attendance, and object to questions whenever they feel the situation demands, and;

The court examine the inquest law to determine whether it is constitutional or not and, if it is, to order safeguards that would more adequately protect the rights of those who might be involved.

In addition, counsel for nine of the guests at a Chappaquiddick Island cocktail that immediately preceded Mary Jo's accident death in a salt pond last July asked for a change in the ground rules because, they said, their clients' reputations and "Constitutional" right of privacy would be demolished without it.

The commonwealth's position, was set forth by Asst. Atty. Gen. Joseph J. Hurley, was that:

The interests of Kennedy, the other witnesses, and the public, would best be served by an inquest at which

the press would be present.

The various counsel were "seeking the right to present a defense at the inquest," and;

The cocktail guests surrendered whatever right to privacy they may have had when they willingly associated themselves with a public figure.

Hanify maintained that Kennedy was the "focal point" of the inquest, and to allow it to go forward under Judge Boyle's ground rules would amount to his being tied to a stake while his reputation is tortured to death.

Atty. Paul J. Redmond, representing cocktail guests Rosemary "Cricket" Keough, Nance and Maryellen Lyons, Susan Tannenbaum, Ester Newberg, Jack Crimmins, Raymond LaRosa and Charles Tretter, urged that:

"In an age of political assassination, the petitioners ask protection so that they may not be verbally assassinated."

And Atty. Joseph P. Donahue, Jr., of Lowell, speaking for another cocktail guest, Joseph Gargan, said that unless the rules were changed Gargan would go before the court of public opinion "with both hands tied behind his back."

(Indicate page, name of newspaper, city and state.)

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BOSTON HERALD
Boston, Mass.

4 RECORD AMERICAN
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Kennedy file

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Dinis Says Blood On Mary Jo Body

HT Staff Reporter

Dist. Atty. Edmund Dinis yesterday was granted a hearing on his petition for the exhumation of the body of Mary Joe Kopechne after he told a Pennsylvania court that blood was found on the young secretary's skirt and in her mouth and nose.

In the long and intensive investigation following the 23-year-old victim's death in the car of Sen. Edward M. Kennedy in a Chappaquiddick tidal pool July 18, it was the first mention of any sign of blood.

Edgartown Police Chief Dominick J. Arena, who aided in bringing Miss Kopechne's body to the surface, last night asserted:

"I know I never saw any blood at all. I held her in my arms, waiting

to put her in a boat, and I saw no indication of blood."

The Edgartown scuba diver, John N. Farrar, who recovered the body with Chief Arena, referred all inquiries to his legal counsel.

The officiating medical examiner, Dr. Donald R. Mills of Edgartown, reported froth on the victim's lips when he viewed her body, but included no reference to blood.

Meanwhile, it was reported last night

that in order to get the body of the young woman out of the car, a rope was attached around the neck and the body then pulled through a shattered window of the car.

Tiny particles of glass were turned over to Lt. Det. George Killen of the state police, attached to Dist. Atty. Dinis' office, after they had been found imbedded in Miss Kopechne's shirt, it was reported.

The discovery was made, it was learned, when her clothes were turned over to authorities by the funeral director.

A pathologist engaged by counsel for Sen. Kennedy has expressed an opinion that even after death had set in, a slight oozing-of-blood could be caused by the scraping of the victim as she was pulled through the shattered window glass.

IT ALSO WAS learned last night that attorneys for Kennedy had obtained a statement from the assistant funeral di-

(Indicate page, name of newspaper, city and state.)

BOSTON GLOBE
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1 BOSTON HERALD
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rector in Edgartown who had embalmed Miss Kopechne's body before it was taken to Pennsylvania for burial.

In that statement, sources close to the case said, the assistant funeral director reported no blood in the area of the nasal passages.

A cosmetician at a Plymouth, Pa., funeral home, where the body was prepared for viewing, told attorneys for Kennedy that she had seen no sign of blood.

When the Dukes County prosecutor submitted an

amended petition to the Common Pleas Court of Luzerne County, Wilkes-Barre, Pa., on Wednesday, he said that the information about the blood was not available to him prior to the interment of the victim. The contents of the petition were released by the court yesterday.

President Judge Bernard C. Brominski at the Wilkes-Barre court set Sept. 29 for a public hearing on the Dinis petition for exhumation of Miss Kopechne's body so that there can be an autopsy.

AT THAT HEARING, the

witnesses who Dinis told the court possess the facts about blood, as well as those who conducted tests on the stains on the shirt, will testify. Judge Brominski said it will be a public hearing.

Miss Kopechne is buried in Larksville, Pa., and Dinis must have the permission of Pennsylvania to exhume her body.

The parents of Miss Kopechne, formerly a secretary to the late Sen. Robert F. Kennedy, have engaged legal counsel to resist the Dinis efforts at exhumation. Last night the counsel said the Dinis petition contained "averments that have to be supported by proof."

In his petition, Dinis said that the presence of "a certain amount of blood" in both the nose and mouth of Miss Kopechne's body "may or may not have been consistent with death by drowning."

DR. MILLS, associate medical examiner of Dukes County, ruled Mary Jo the victim of accidental drowning. There was so little doubt in his mind, he said at the time, that he deemed an autopsy unnecessary.

Now, said Dinis in his court petition, "the administration of justice requires that an exhumation and autopsy be held and that said autopsy be performed as soon as is practicable, time being of the essence."

As for the blood stains, Dinis said there appeared on the victim's shirt a "washed out," reddish-brown and brown stain on the backs of both sleeves, the back and the collar.

"These stains give positive benzidine reaction, and indication of the presence of residual blood traces," the petition said. "Said residue is of insufficient amount to make further test as to specific origin or type."

Scuba Diver Farrar is represented by Atty. Herbert Abrams of 2240 Prudential Center, Boston. When Farrar referred inquiries to him, Atty. Abrams said:

"BY ORDER of the court I am unable to make any comment on the contents of Dist. Atty. Dinis' letter to Judge Brominski. When I apprised my client, Mr. Farrar, of the

letter, and the petition, he said to me that he will stand by his detailed statement given to Lt. George Killen of the state police at a pre-hearing inquiry Aug. 20 in Edgartown."

Farrar, before he engaged legal counsel, was among most frequently interviewed and widely quoted of those having a role in the Kennedy-Kopechne case. At no time, recalled newsmen, did he ever mention signs of blood on the victim.

The Aug. 20 inquiry session with Lt. Killen, referred to by Farrar's counsel, was widely reported. It was so accurately reported that Farrar became irked. But nowhere in those reports, that were so accurate that Farrar charged a breach of confidence, was there a reference to blood.

Dr. Mills, in relating what

he did at the scene on the morning of July 19, told of compressing the victim's chest and seeing sea water emerge from her mouth. There were no marks on the body, nothing to indicate she had died from any cause but drowning, he said.

The body was rigid as a statue, Dr. Mills said. The teeth were gritted, there was froth around the nose and the hands were in a claw-like position.

(Mount Clipping in Space Below)

Ted's Prober to Quiz Witnesses

EDGARTOWN — An investigator will be hired by lawyers for Sen. Edward M. Kennedy to interview seven eyewitnesses who were at the Dyke Bridge when the body of Mary Jo Kopechne was taken from the water on the morning of July 19, it was learned yesterday.

The decision to retain the investigator was made after Atty. Robert G. Clark, Jr., of Brockton, one of the Kennedy lineup of lawyers, spent several hours in conference Saturday with a Martha's Vineyard attorney.

The seven include rescue workers and onlookers and, the Sunday Advertiser was told, none have ever been questioned by "Kennedy people" before now.

The Sunday Advertiser also learned that the amended petition through which Dist. Atty. Edmund Dinis hopes to get court approval for an autopsy on Mary Jo's remains will be on its way to Pennsylvania Monday — and it is possible that Dinis himself may bring it there.

Several weeks ago the district attorney ran into a delay when he mailed the original application for the autopsy to Common Pleas District Court in Wilkes-Barre, and Judge Bernard Brominski refused to accept it in that form.

Dinis had to go to Pennsylvania himself to satisfy the judge and, rather than run into another delay, it was considered likely that either the prosecutor or Asst. Dist. Atty. Armand Fernandes — or both — would submit the petition in person this time.

(Indicate page, name of newspaper, city and state.)

BOSTON GLOBE
Boston, Mass.

BOSTON HERALD
TRAVELER
Boston, Mass.
RECORD AMERICAN
Boston, Mass.

4 BOSTON SUNDAY
ADVERTISER
Boston, Mass.

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Editor: Samuel Bernstein

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(Mount Clipping in Space Below)

Is Kennedy Set To Quit The Senate?

By **BILL DUNCLIFFE**

On a holiday evening in Hyannis Port, Sen. Edward M. Kennedy was torn between two alternatives — and the one he finally chose may have provided the first clear clue to what he intends to do with his badly-bruised career in politics.

Has he decided to call it quits?

Kennedy had to decide, last Labor Day, whether to:

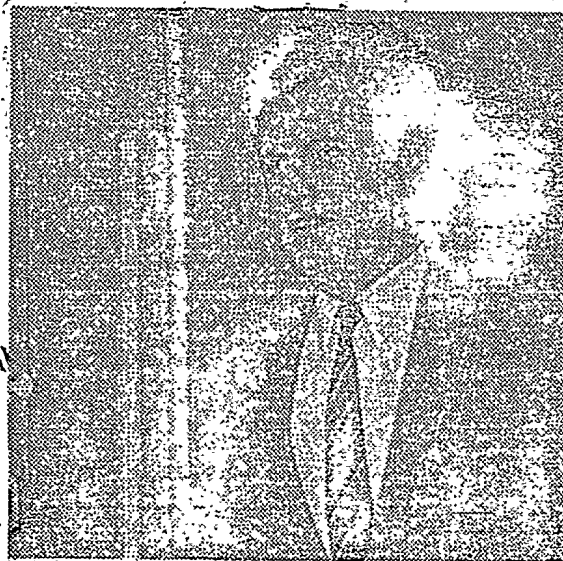
- Listen to those staff aides who wished him to do nothing to put off the start of the inquest into the death of Mary Jo Kopechne, lest a postponement turn public opinion even more against him than it already was, or:

- Follow the advice of the attorneys who urged him to seek a delay until he was granted the Constitutional safeguards available to every private citizen who may find himself in difficulty with the law.

★

He listened to the lawyers and they went before Associate Supreme Court Justice Paul C. Reardon to win the delay.

Legally, Kennedy was on solid ground, for his counsel claimed that he asked no more or less



SEN. TED KENNEDY

(Indicate page, name of newspaper, city and state.)

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26 RECORD AMERICAN
Boston, Mass.

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than what was the right of even the humblest of men.

But politically was it a wise move?
This will be long debated.

For Edward M. Kennedy is not an ordinary citizen. He is a member of one of the nation's great families, a United States Senator and was, until six weeks ago, a prime Presidential possibility in 1972.

He is a public figure of world stature — and they are judged by a different tribunal than the rest of us.

★
Public men rise or fall in the court of public opinion; private citizens do so in a court of law — and the fact that Kennedy chose the latter may be an indication of how he looks at his future.

This is not to say that the usual legal recourses are not available to politicians. They are, but the more significant verdicts, for them, are not rendered by jurors but by voters.

What the voters think, and believe, has always been of paramount importance to those who hold elective office — and until Monday night at Hyannis

Port, Kennedy was no different than others of his caste.

He was conscious of the public's affection and even admiration for him, and did nothing to tarnish the shining public image he enjoyed. Among his aides, the overriding factor that influenced many a decision was what "they" would think — how the voters would react to this or that.

And, until the tragedy of Chappaquiddick Island, their reaction was invariably favorable — but from the moment his car plunged from the Dyke Bridge and carried Mary Jo to her doom, Kennedy's stock — politically — has gone steadily down.

Part of that may have been due to his actions after the accident, or to the week-long silence that preceded his dramatic televised account of how Mary Jo died. And, almost certainly, a major cause was the widespread feeling that his version left many hard questions unanswered.

Even then, at what seemed to be the low point in his fortunes, Kennedy went to the court of public opinion for a verdict on whether he should continue in office or resign. And from Massachusetts, if not from the rest of the world, the decision was overwhelmingly in his favor.

He announced — then — that he would stay on, and would seek re-election in 1970. But the continuing deterioration of his position in the public eye may now have forced a change in his thinking.

There was a fairly widespread suspicion, after the impact of that emotional baring of soul on TV had worn off, that Kennedy had received special and preferred treatment. There was, from powerful voices of the press and public, a demand that some further steps be taken; that there be an inquest into the circumstances of Mary Jo's death.

Prodded by his own responsibilities, and perhaps by the voices that were growing louder with every passing day, Dist. Atty. Edmund Dinis ordered the inquiry, and even attempted to gain the sanction of a Pennsylvania court to secure a belated autopsy on Mary Jo's remains.

Through all of this, Kennedy's posture was that of a public figure trying to salvage as much as he could from a situation that was rapidly becoming, for him at least, a disastrous debacle.

He made it clear, soon after the date for the inquest was set, that he would cooperate with it.

in every way — and until Aug. 27 at Edgartown District Court, it appeared that he was doing just that.

Then his lawyers, and those for other prospective witnesses, asked Judge James A. Boyle to permit them to be present in the courtroom at all times, to call or cross-examine witnesses, and to grant all the Constitutional safeguards ordinarily available at a trial or accusatory proceeding.

Even then, Atty. Edward B. Hanify stressed that what he sought for Kennedy should not be constructed as any attempt to impede or otherwise hamper the search for truth that an inquest is designed to be.

The "cooperation" theme was stressed throughout, so much so that when Judge Boyle commented he might subpoena Kennedy if he senator didn't appear voluntarily as a witness, Atty. Robert G. Clark, Jr., another of Ted's lineup of lawyers, was quick to reply:

"Your Honor, Mr. Kennedy will be present at any time you designate."

Hanify's statement, that he might not testify unless he was afforded the protection of his Constitutional rights, caught little attention then — and the fact that nothing had been said about Judge Boyle's decision to open the inquest to the press went entirely unnoticed at the time.

Boyle's denial of the motions was considered, by the press and public, a setback for the senator, but legal experts saw it in a different light.

In their view, Boyle had given Kennedy a perfect tool to delay the inquest or get a more favorable set of ground rules, if he wished — for serious legal issues had been raised, and it is a principal of law that restraining orders be issued whenever failure to resolve them might cause irremediable damage to a person.

Still, though his lawyers wished to move on that point, Kennedy refused to give them the go-ahead. There was, after all, the court of public opinion to be considered.

For one thing, his politically-oriented advisers — while resigned to the fact that he virtually had no chance for the Presidency in 1972 — were still hopeful about his prospects for 1976.

It was their position that he should let the inquest start on schedule, because to do otherwise would make it seem as though he were taking advantage of twists and technicalities in the law to avoid a public confrontation on the questions and innuendoes surrounding Mary Jo's death.

"It would look like he was trying to worm his way out," was the way one staff man reportedly put it.

More than that, Kennedy's aides were convinced that, given another chance to tell his story, he could convince the doubters, answer everything he was asked, and dispel the shadows surrounding his role in Mary Jo's death.

He could, in short, restore some of the gloss to his image and, politically at least, regain some of the prestige he had lost.

But if, with the tide of public opinion running against him, he were to take the fight against Judge Boyle's ruling to a higher court, it might appear to the public that, despite his statements to the contrary, he would do anything but cooperate in the inquest.

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Kennedy's lawyers, however, had a problem that was more immediate and a course of action that, legally, was more pragmatic. Because it was possible that the inquest could result in a charge being made against him, they wanted the legal weapons they needed to protect him — weapons that were the due of any private citizen.

Because Kennedy is himself a lawyer, he was presumably aware that, as far as the U. S. Supreme Court is concerned, there is indeed what amounts to a double standard of justice for public figures and private citizens.

The U. S. Supreme Court has held in the past, that a public figure has a public forum from which he can answer his critics and/or accusers, and that therefore the same rules that apply to other men may not apply to him.

The inquest, under Judge Boyle's guidelines, might have been in one sense a public forum, because it would be open to the press.

But on Labor Day evening, after considering both courses of action, Kennedy chose the one urged by his attorneys.

And, when they went before Justice Reardon, they raised — for the first time — the issue of press coverage. They asked, in effect, that the high court order Judge Boyle to set new ground rules — ones that would either grant Kennedy his Constitutional rights, or make the inquest private — or both.

In brief, they asked for the safeguards that might be afforded a private citizen in similar circumstances — and in that one phrase, private citizen, may be the key to Kennedy's future role in American life.

(Mount Clipping in Space Below)

Theory on Mary Jo Tested

By ED CORSETTI and
BILL DUNCLIFFE

EDGARTOWN—Tests made on the car in which Mary Jo Kopechne drowned indicated she may have been unable to get out of it because she lost her bearings when it turned turtle and landed on its back in Poucha Pond, it was learned Saturday.

A dummy, of the same size and weight as Mary Jo, was placed in the passenger side of the front seat for the tests, which were made for Sen. Edward M. Kennedy by scientists

from the Arthur D. Little Co. of Cambridge.

The Sunday Advertiser was told that when the car was flipped over on its back and jarred — with about the same force as if it had hit water, the dummy was hurled partially into the rear seat so hard that a human might have become disoriented and might not have known where she was in the car.

★
However, the tests also indicated that the driver, "anchored" by the fact that his hands were gripping the wheel,

would have stayed in the same relative position and, unless he was unconscious or dazed, would have known where he was at all times.

In addition, the wind on the driver's side was opened and, once the water pressure equalized, he could have escaped that way.

Although a decision on Kennedy's appeal to the Supreme Judicial Court for new ground rules for the inquest on Mary Jo's death will probably not be returned for at least another month, Dist. Atty. Edmund Dinis kept two detectives working on the case.

(Indicate page, name of newspaper, city and state.)

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(Mount Clipping in Space Below)

Judge Kirk Bows Out of Ted Inquest

Justice Paul G. Kirk said today that he will disqualify himself from sitting on Sen. Edward M. Kennedy's inquest appeal when it comes before the Massachusetts Supreme Judicial Court.

Reason for his action was the political and professional association between his son, Atty. Paul G. Kirk Jr., and the senator.

Kirk Jr., 31, a 1964 graduate of Harvard Law School, serves as a counsel to the Senate Subcommittee on Administrative Practice and Procedure of which Kennedy is chairman.

Justice Kirk, reached at his Cape Cod Summer home by the Globe, was asked what affect, if any, his son's relationship with Sen. Kennedy might have on the judge's participation in deciding the legal issues raised by counsel for Kennedy.

"I would disqualify myself," the jurist said bluntly. "I think I should."

Justice Kirk declined to comment further.

By removing himself, the justice left the decision on Kennedy's appeal of the inquest rules, established by Edgartown District Court Judge James A. Boyle in the hands of his six colleagues, all Republicans.

Justice Kirk is the only Democrat on the high court bench.

The matter will be received by the high court when it returns from its

(Indicate page, name of newspaper, city and state.)

1 BOSTON GLOBE
Boston, Mass.

BOSTON HERALD
TRAVELER
Boston, Mass.
RECORD AMERICAN
Boston, Mass.

Date: 9-5-69
Edition: Evening
Author:
Editor: Thomas Winship
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or 62
Classification: Boston
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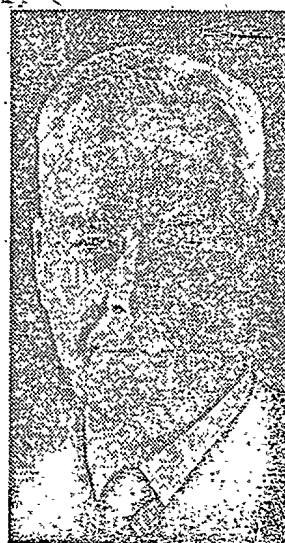
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62-5078-36

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SEP 8 1969	
FBI - BOSTON	



PAUL G. KIRK JR.



JUSTICE KIRK

Summer recess Monday, Oct. 6.

It was referred to the full bench by Justice Paul C. Reardon, sitting alone, because of "grave constitutional questions" raised by Sen. Kennedy's petition and argued by his counsel, Atty. Edward B. Hanify.

Kennedy challenged Boyle's opening of a traditionally closed inquest to the press and his refusal to permit cross-examination and summoning of witnesses as prejudicial.

The inquest, ordered by Bristol Dist. Atty. Edmund Dinis, into the death of Mary Jo Kopechne, 28, a Washington secretary, in a car driven by Kennedy, had been scheduled to start in Edgartown on Martha's Vineyard last Wednesday.

Justice Reardon, on Tuesday, ordered the inquest postponed until the state Supreme Court acted on the appeal case. Judge Boyle complied with the directive.

The justices who now will hear the arguments are Chief Justice Raymond S. Wilkins and justices John V. Spalding, Arthur E. Whit-

temore, R. Ammi Cutter, Jacob J. Spiegel and Reardon.

In another development, it was learned that a team of researchers, apparently for

Kennedy, conducted tests over a two-day period on the Kennedy car which crashed into Poucha Pond on Chapquiddick Island.

The researchers included two physicists associated with the Arthur D. Little Co., Inc., of Cambridge. They were Drs. Richard Stone and John Teitzel.

Records at the Oak Bluffs State Police Barracks on Martha's Vineyard show that the team, six persons in all, used the water from the barrack's hose and a wrecker to tilt the damaged car in an attempt to simulate conditions which occurred when the vehicle went into the pond.

While the group was on the island making its tests, a diver was at the pond measuring the rise and fall of tide and the speed of the current.

Measurements and photographs were also taken at the scene of the crash it was learned.

Miss Kopechne, a campaign worker for the late Sen. Robert F. Kennedy, and Sen. Kennedy had left an informal party of political friends when the accident on a wooden bridge occurred.

Dinis, meanwhile, has his staff researching Pennsylvania law in an effort to convince authorities in Pennsylvania where Miss Kopechne is buried, that her body be exhumed for an autopsy.

(Mount Clipping in Space Below)

The postponed inquest

The purpose of an inquest into a violent death is, under Massachusetts law, to determine "when, where and by what means the person met his death . . . and all material circumstances attending his death, and the name, if known, of any person whose unlawful act or negligence appears to have contributed thereto."

The judge who presides at an inquest is required to state his findings in writing and file them in the Superior Court of the county where the violent death took place. The law empowers him to charge individuals with crime in his report.

Since Sen. Edward M. Kennedy was driving the automobile in which Mary Jo Kopechne drowned July 18 on Chappaquiddick Island, it is plain that the now-postponed inquest into her death could have placed him in at least theoretical jeopardy of prosecution on serious criminal charges, including manslaughter (negligent homicide.)

This being the case, it would be unfair to condemn Mr. Kennedy for pressing his claim that the scheduled inquest would have violated his constitutional rights. No man, whether of high station or low, should be criticized for availing himself of his rights. "If the exercise of constitutional rights will thwart the effectiveness of a system of law enforcement," as former Supreme Court Justice Arthur Goldberg declared in the Escobedo case, "then there is something very wrong with that system."

It is Mr. Kennedy's claim that Judge James A. Boyle of the Edgartown District Court erred legally when he ruled that the inquest be opened to the press. This is a questionable contention. The state's inquest law declares that all persons not required by law to attend an inquest "may be excluded" by the judge. By

obvious implication, all such persons need not be excluded.

This newspaper, believing that a closed inquest would only have fed suspicions that the state's judicial machinery was being manipulated in the senator's behalf, hailed Judge Boyle's ruling at the time and sees no reason to change its viewpoint now. But the senator's right to seek a ruling by the full bench of the Supreme Judicial Court on whether an open inquest violates his constitutional rights ought not to be doubted—and that, in fact, is just what Supreme Court Justice Paul C. Reardon provided for Tuesday in ordering the inquest postponed.

(Indicate page, name of newspaper, city and state.)

18 BOSTON GLOBE
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TRAVELER
Boston, Mass.
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Editor: Thomas Winship

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It is impossible to disagree with Judge Reardon's conclusion that "grave constitutional questions" were raised by the senator when he said the inquest would deprive him of his full rights of representation by counsel, of confrontation and cross-examination of hostile witnesses, to present evidence in his own behalf and to compel attendance of witnesses in his own behalf.

It is true that the inquest law does not expressly grant these rights, and that they have not been afforded witnesses in past inquests. An inquest is supposed to be investigatory—a one-sided preliminary inquiry by legal authorities rather than a criminal trial. But again, the senator had a right to test whether such an inquiry, especially since it was to be open to the press, would conform to current constitutional standards of legal representation and due process of law.

Only time will tell whether Sen. Kennedy exercised good political judgment in heading off a proceeding that might have cleared the air. But it cannot be said that he was wrong to avail himself of existing legal procedures for the vindication of his rights.

(Mount Clipping in Space Below)

Dinis Needs Stronger Case

By DAVE O'BRIAN, ED CORSETTI & BILL DUNCLIFFE

Common Pleas Court Judge Bernard Brominski in Wilkes-Barre, Pa., denied Wednesday an attempt by the parents of Mary Jo Kopechne to block Dist. Atty. Edmund Dinis from securing an autopsy on her body — but stopped short of giving the prosecutor a total victory on the issue.

Brominski said that before he would consider granting permission for exhumation of Mary Jo's remains from her grave in nearby Larksville, Dinis would have to come up with a stronger set of reasons for making such a request.

He gave him 20 days in which to do so.

Judge Brominski said that he has the authority to grant "exhumation and autopsy in a proper case," but warned that Dinis must "set forth sufficient facts under Pennsylvania law to warrant" an autopsy.

He said Dinis would have to show that "the circumstances of death has not been clearly established," and that an autopsy would resolve "the doubt and suspicion surrounding the death."

The judge notified Dinis by mail, but the latter had not arrived in New Bedford when the announcement was made in Wilkes-Barre. As a result Dinis' assistant, Armand Fernandes telephoned Judge Brominski for the decision.

Dinis and Fernandes said they would file a bill of particulars within the 20 days allowed by Judge Brominski and both expressed confidence the exhumation and autopsy would be allowed.

Brominski, President Judge of the Criminal Division of the Common Pleas Court of Luzerne County, ruled against the Kopechnes on three of the four claims they made in asking that Dinis' petition for the autopsy be dismissed.

They were, first, that he had no authority to order an autopsy, second that the request for an autopsy amounted to a

collateral attack by Dinis on a legal determination of Associate Medical Examiner Donald R. Mills of Edgartown, who ruled Mary Jo a victim of accidental drowning, and, third, that there was no law that would give a Pennsylvania court the jurisdiction to order an autopsy in the case.

But he sustained them in their fourth contention — that Dinis had failed to present enough facts to warrant his request being granted, and said he would give the prosecutor 20 days in which to file an amended petition.

"The court, along with millions of other individuals, has read and heard of the events of the death of Mary Jo Kopechne," he declared, "but this cannot be substituted for allegations of fact in a judicial proceeding."

Brominski's nine-page ruling was one of two courtroom developments in the legal turmoil that has developed since Mary Jo died six weeks ago in a car driven by Sen. Edward M. Kennedy.

Vineyard, where the inquest in Edgartown on Martha's Vineyard to the accident was to have convened Wednesday morning — until Justice Paul C. Reardon of the Supreme Judicial Court ordered a halt — District Court Judge James A. Boyle formally obeyed that edict.

Boyle, who would have conducted the inquest, entered his courtroom promptly at 9:30 a. m., carrying in his hands a copy of the motion by Kennedy's lawyers which prompted Judge Reardon to act.

In a matter-of-fact tone of voice, Boyle read from the title of the motion, and said:

"On the petition filed by Edward M. Kennedy against James A. Boyle as he is the justice of the District Court of Dukes County, presented to the Supreme Judicial Court yesterday, I have been ordered not to proceed any further with the in-

quest into the death of Mary Jo Kopechne which was set for a hearing this morning, until such time as a hearing may be held and a determination made by the full bench of the Supreme Judicial Court.

"Therefore, this inquest is adjourned until that time."

Boyle then left the bench — and in one minute it was all over.

Kennedy's petition for a writ of certiorari — which was tantamount to a review of Judge



JUDGE BROMINSKI

(Indicate page, name of newspaper, city and state.)

BOSTON GLOBE
Boston, Mass.

BOSTON HERALD
TRAVELER
Boston, Mass.

3 RECORD AMERICAN
Boston, Mass.

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Boyle's rulings and actions by the Supreme Court, was based on two points. One was that Kennedy was being deprived of his Constitutional rights by the refusal of Judge Boyle to allow him, at an inquest, the safeguards granted to lawyers and clients at a criminal proceeding. The other was that massive pre-inquest publicity had caused irremediable harm to the senator.

Although Reardon reported the issues to the full bench of the court for a ruling, it is not expected that a hearing can be held by the seven justices until next month, since the Court does not begin its fall session until Oct. 6.

Brominski's decision had been awaited for several days, since lawyers representing Mr. and Mrs. Joseph Kopechne of Berkeley Heights, N.J., asked him to dismiss Dinis' petition for the autopsy.

Brominski walked into his courtroom at 11 a.m. and handed copies of his nine-page ruling to a waiting horde of newsmen, saying:

"entlemen, I have copies of the decision. I prefer not to have questions on the ramifications of the decision or anything else."

On the first Kopechne claim, that his court did not have authority in the case, Brominski ruled:

"While the petition for an exhumation and autopsy does not name a criminal defendant, or even state that a crime has been committed, it is brought

in the name of the District Attorney in and for the Southern District of Massachusetts, and the Medical Examiner in and for Dukes County, Mass., and sets forth that an inquest will convene on Sept. 3, 1969, in Dukes County, Mass., inquiring into the facts surrounding the death of Mary Jo Kopechne.

"This certainly suggests that the inquiry here (on the autopsy petition) is of a criminal rather than a civil nature.

"In view of this, one is constrained to conclude that as between the Criminal, Equity, and Orphans Court Divisions of the Court of Common Pleas of Luzerne County, the Criminal Division is the most appropriate Division to resolve the issues herein."

On the second Kopechne claim, that the petition was a collateral attack on Dr. Mills and that a legal determination made in one state, Massachusetts, cannot be collaterally attacked in another, Brominski declared:

"The petition does not dispute the cause of death as determined by Dr. Donald Mills. Thus, this court does not know at this time the intention of the Massachusetts authorities in this regard, or what proofs will be offered at the hearing.

"Accordingly, this court cannot speculate as to a possible collateral attack on Dr. Mills' determination, and therefore it cannot be considered at this time."

The third claim by the Kopechne lawyers was that the right to conduct an autopsy in

a criminal investigation was a right created by law but they said there is no law that gives a Pennsylvania court the authority to order one in these circumstances.

Brominski cited several precedents, which he said clearly established the inherent powers of the courts to "consider and determine the issues involved herein," and he added:

"It is equally clear that a court in the exercise of its discretion is not reluctant to grant an exhumation and autopsy in a proper case, but it cannot intelligently exercise its discretion until it has before it facts of record."

Only on the fourth claim did he sustain the position of Mary Jo's family. He noted that in Dinis' petition for the autopsy the district attorney had set forth that Mary Jo was buried in Larksville, that an inquest into her death was pending, and its purpose was to determine "whether or not there is any sufficient reason to believe the sudden death of Mary Jo Kopechne may have resulted from the act of negligence of a person or persons of her than the deceased."

He noted, too, that Dinis maintained an autopsy would be needed "in order that the circumstances of death be clearly established and the doubt and suspicion surrounding the death be resolved."

"A pending inquest in another jurisdiction does not afford this court the opportunity of weighing the right of the parents to have their daughter's corps remain undisturbed as against the

public interest in the administration of justice." Brominski said.

"The Kopechnes may have no standing in the inquest, but most certainly can exercise their right to be heard at the proceedings," he declared. exhumation and autopsy pro-

He found fault with the claim, made before him last week by Asst. Dist. Atty. Armand Fernandes, Jr., who is Dinis' chief aide, that "the fact that an inquest is being held is sufficient fact alone to justify the autopsy."

There was, Brominski said, a

"thread of inconsistency" in that reasoning, in that it would deny him the exercise of his discretion as a judge on whether to grant permission for the autopsy.

Further, he declared, Dinis had asked in his petition that Mary Jo's parents be notified that he was seeking an autopsy.

"If it is seriously argued that an autopsy automatically results when an inquest is conducted, what useful purpose has it served to give notice to the Kopechnes," the judge asked. "It would be a vain act, or in fact tantamount to no notice at all."

(Mount Clipping in Space Below)

The Real Issue Credibility

EDGARTOWN — This was to have been the place where Sen. Edward Kennedy would tell his story about the night of July 18 when Mary Jo Kopechne lost her life in the Kennedy car at the Chappaquiddick Island bridge.

But within the Kennedy organization, there has always been the argument between the lawyers who are defending Sen. Kennedy in this case and the staff members who are the defenders of his public image.

In the end the lawyers won out with Kennedy. And last night the entire inquest apparatus was being dismantled, perhaps for another day.

What is important is the decision by Kennedy to go with his lawyers.

He had from the outset said that he would be available to testify at the inquest. When Judge James Boyle said he thought Kennedy's testimony would be vital to the hearing and he might have to be subpoenaed, it was made clear by the Kennedy lawyers that he would volunteer his appearance.

In Washington, his own staff members welcomed the idea of the inquest.



SEN. KENNEDY

These were the men who have watched Sen. Kennedy develop in the Senate. These were the men whose own lives, the successes and the failures, are tied very closely with those of the senator.

It would, they said privately, give the senator a chance to tell his story, to strike down all the innuendos, all the gossip that has been associated with the case.

And he would have a chance to answer fully those questions that were not answered either in his first statement to the police in Edgartown or in his public television statement the week after the accident.

(Indicate page, name of newspaper, city and state.)

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Boston, Mass.

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These were the men who would say three months ago that Sen. Kennedy was not running for the presidency, but who knew very well that he could have the Democratic presidential nomination for the asking in 1972.

The advice from the lawyers who are defending him in this case was clearly something else. They are interested in the immediate problem. He was involved in what they called an accusatory process of the law in the inquest.

Because Kennedy could be accused, their job was to protect his rights. They wanted the right to cross-examine witnesses and they wanted, as lawyers for Kennedy, to be present in the courtroom when other witnesses testified.

Denied those rights, they wanted the inquest halted.

Kennedy had to decide between these two positions.

The decision was very fundamental both to his case and perhaps to the public career of the Senator. But Kennedy was aware what public response might be to lawyers, who represent him, arguing in a high court over the ground rules under which he will testify at an inquest.

Kennedy then had to make a decision, one involving his private life and the other involving his public life.

Politically, this will not be read as a decision in which he wanted to get his story told to the public.

His attorney, Edward Hanify, made another point in court about the vast amount of publicity that the case has received.

Sen. Kennedy is very much a public man and the U.S. Supreme Court long ago ruled that public men can be measured by a different yardstick because they are afforded a public forum where they can answer their critics.

But the real test is not really here in a courtroom in Edgartown or in the Supreme Judicial Court in Boston.

What is at stake here is a public man's credibility—whether the public really believes that Sen. Kennedy has leveled with them in this case.

Because if they do not believe this, as Sen. Kennedy himself said in his televised statement, he cannot serve.

That's the real issue in this case for Sen. Kennedy.



JUDGE BOYLE

(Mount Clipping in Space Below)

Ted may avoid 5th Amendment

It is clear now that Sen. Edward Kennedy will have a chance to tell his entire story.

Edgartown District Court Judge James A. Boyle has said that the inquest cannot go forth without the principal witness and has indicated that if Sen. Kennedy does not come forth voluntarily, which he has said he will do, he will be called by the court.

There will be no cross-examination in the procedure. Kennedy will have the right to counsel when he takes the stand, which means also that his lawyers can advise him not to answer questions or to take the Fifth Amendment in case of self-incrimination.

POLITICAL CIRCUIT

This, of course, has been the problem for the senator from the beginning. He has had to protect his public posture as a public man and he also has had to keep in mind that if there were a case of proved negligence, a criminal charge could result against him.

Those who have talked to the senator since the accident leave with the impression that he is acutely aware of the delicate balance presented by these two problems.



SEN. KENNEDY

takes the witness stand in that Edgartown courtroom.

There will be two judgments made after his testimony. One will be legal and will determine whether any further action should be taken against him or whether the case will be closed.

It will be very difficult for the senator to plead the Fifth Amendment. He is entitled to the protection against self-incrimination as is any person, and as one of his lawyers said yesterday, he should be treated as any other citizen, not as a United States senator.

That is fine rhetoric, but the problem is that Kennedy will have his political career on the line when he

(Indicate page, name of newspaper, city and state.)

11 BOSTON GLOBE
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TRAVELER
Boston, Mass.
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Boston, Mass.

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ICC: Bureau

The second judgment will be made by thousands of persons who will read his testimony. Some will decide from that testimony whether they will support his candidacy for re-election to the Senate.

His credibility will be judged.

Clearly, now Kennedy knows that he made huge mistakes in the way he handled the entire case. He knows he should have notified the police immediately.

The construction of the television statement was not the wisest of judgments either. The television statement appeared to be too much the work of writers and too thin on facts. There was appeal to the emotion rather than to reason. Unless all questions were answered there was no need for the statement.

There was the immediate response to the television statement. It was an emotional response, but the questions unanswered would not go away. They persisted.

Perhaps there would not have been an inquest if all the questions had been answered.

One of the great problems in this case is that no one appears neutral.

The letters that come flocking into this newspaper office are either violently against Kennedy or totally for him. It has unleashed the venom of a number of Kennedy haters, and, on the other side, anyone who asks legitimate questions is criticized by the Kennedy supporters. It is like a political campaign when in fact it should simply be an examination for the truth.



JUDGE BOYLE

It is fortunate that there is an inquest for it will give Sen. Kennedy an opportunity to tell the entire story. Judge Boyle has made it clear that Kennedy's rights will be protected and that the hearing will be fair and impartial. The peripheral matter of the legions of press, radio and television people descending on the island of Martha's Vineyard should not detract from the importance of what goes on inside that district courtroom.

The thing that brings them there is that a man who was considered for the presidency is in a sense on trial to determine whether he will be given that chance again.

(Mount Clipping in Space Below)

Battle Looms On the Rights Of Witnesses

By JEAN COLE, ED CORSETTI, and BILL DUNCLIFFE

The lawyers who were denied the chance to call or cross-examine witnesses at next week's inquest into the death of Mary Jo Kopechne met secretly in Boston Friday in an effort to make another attempt to win their point:

"You have an idea what we plan to do," said a source close to the lawyers as they huddled behind closed doors to nail down their strategy.

It was reported that most of the attorneys favored going into Federal Court with a petition for a restraining order that would prevent Edgartown District Court Judge James A. Boyle from going ahead with the inquest until the constitutional issues have been resolved.

The battery of legal talent discussed their common problem for several hours at Edgartown Thursday after their motions to secure for their clients the same safeguards they would have in a trial were denied by Judge Boyle.

Then they boarded a chartered plane and came to Boston for another meeting, which was believed to be going on in the office of Atty. Edward B. Hanify at 225 Franklin st. A reporter who called at the office was told Hanify was in conference. When he sat down in the outer office to wait for the meeting to end, he was asked to leave.

Hanify and Attys. Robert G. Clark, Jr. and Robert G. Clark, III, of Brockton represented Sen. Edward M. Kennedy before Judge Boyle. It was Hanify who argued for the motion. Atty. Joseph P. Donahue of Lowell represented Paul F. Markham of Melrose and Joseph F. Gargan, Jr. of Milton, while Attys Paul J. Redmond and Daniel Daley, Sr. of Boston represented the five girls and three other men who attended a Chappaquiddick Island cookout shortly before Mary Jo was killed.

Most, if not all, of the lawyers were believed to be taking part in the Boston meeting.

At Edgartown, the excitement that accompanied the two days of pre-inquest hearings before Judge Boyle was all but gone. But preparations for the inquest itself went ahead at full tilt.

District Court Clerk Thomas Teller posted a list of 150 newsmen and the papers, magazines, and radio and TV stations they

represent, who have applied for credentials to cover the proceeding.

Reporters and papers from as far away as Australia and Japan are on the list.

Police Chief Dominick J. Arena, in a move to keep photographers from blocking the street outside the courthouse when the inquest starts Wednesday, ordered a platform erected for them at South School st., which is directly across from the building and affords a clear view of it.

State Det. Lts. George Killen, Bernard Flynn and John Dunn, who are making a pre-inquest prob for Dist. Edmund Dinis, went to Chappaquiddick Island with an artist, who was given the job of drawing a floor diagram of the cottage where the cookout was held.

(Indicate page, name of newspaper, city and state.)

BOSTON GLOBE
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TRAVELER
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3 RECORD AMERICAN
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Editor: C. Edward Holland

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SEP 2 1969	
FBI - BOSTON	

CC: Bureau

8/29/69

AIRTEL

TO: DIRECTOR, FBI
FROM: SAC, BOSTON
RE: SENATOR EDWARD M. KENNEDY
INFORMATION CONCERNING

Attached hereto are Xerox copies of two flyers which are apparently being sent through the mails.

The News Editor of WRKO of Boston received these two flyers through the mail addressed to WRKO Disc Jockey, RKO General Building, Government Center, Boston in an envelope postmarked Hawthorne, California.

This matter was immediately referred to the Postal Authorities.

This is for the information of the Bureau.

3-Bureau (Encs. 2)
1-Boston
JLH:maw
(4)

SEARCHED _____
SERIALIZED _____
INDEXED _____
FILED _____

*make 62 lead
file on
Senator Kennedy*

62-5078-30

(K.F.)

(Mount Clipping in Space Below)

Edgartown parley may set inquest 'ground rules'

New England briefs

Boston

A preinquest hearing was scheduled in Edgartown, Mass., this morning for the several lawyers who will participate in the Sept. 3 inquest into the death of Mary Jo Kopechne.

The hearing was called by District Court Judge James A. Boyle, who is to preside over the inquest. Today's hearing is reported to have been initiated by attorneys representing potential witnesses who expect to be called during the course of the inquest.

Apparently the attorneys wish to set "ground rules" for the hearing.

District Attorney Edmund L. Dinis—who originally called for the inquest—is expected to announce today whether or not the inquest will be postponed. There is more than a slight possibility that there will be a postponement, since the Kopechnes in Wilkes-Barre, Pa., where their daughter is buried, have petitioned the Luzerne County Court to forbid Mr. Dinis to exhume Miss Kopechne's body. Mr. Dinis wants the body exhumed for the purpose of a formal autopsy.

Luzerne County Court Judge Bernard Brominski may announce his ruling on the exhumation request today also.

Miss Kopechne drowned when a car driven by Massachusetts Sen. Edward M. Kennedy went off a bridge into a tidal pool off Chappaquiddick Island on July 18.

(Indicate page, name of newspaper, city and state.)

2 CHRISTIAN SCIENCE MONITOR

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Boston, Mass.

BOSTON HERALD TRAVELER

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(Mount Clipping in Space Below)

Judge Warns Ted He May Get Summons

By JEAN COLE, ED CORSETTI and BILL DUNCLIFF

EDGARTOWN — District Court Judge James A. Boyle warned bluntly Wednesday that if Sen. Edward M. Kennedy fails to testify voluntarily at next week's inquest into the death of Mary Jo Kopechne, he may issue a summons to force him to attend.

"One thing I do know," Boyle declared, "is that it is essential that r. Kennedy be present as a witness. If he is not here, I will see whether a subpoena shall be issued."

Atty. Robert G. Clark, Jr., one of a quartet of lawyers representing the senator at what had been expected to be a fairly quiet hearing on ground rules for the inquest, replied:

"Edward M. Kennedy will be present at any time you designate, your honor."

Dist. Atty. Edmund Dinis, who indicated some time ago that he might not call Kennedy to testify, was silent during the heated exchange between Boyle and Clark, but after the court session was over he declared:

"I was actually relieved that he (Boyle) assumed the burden of that responsibility. If he had not there would be some who would have read things into it. I think it best that he (Kennedy) be here."

The threat to summons Kennedy and the promise by his

lawyer that he would be here when needed was but one of many surprises at the hearing.

The others were:

• A motion by lawyers for several prospective witnesses that they and their clients be afforded all the protection and rights granted in a criminal trial.

• A hint that they would take other action if their motion was denied.

• A statement by Dinis that the inquest would get underway Sept. 3 as scheduled.

• An indication by Dinis that it would last twice as long as expected, and that he would call twice as many witnesses as planned.

• The possibility, voiced by Dinis, that he may have to ask for an interruption of the inquest "because of something that may happen in Pennsylvania."

That was an obvious reference to the decision of Common Pleas Court Judge Bernard Brominski in Wilkes-Barre, Pa., to approve Dinis' request for an autopsy on Mary Jo.

Should Brominski decide to proceed with the district attorney's petition, a hearing probably would be held during the inquest.

The session between Boyle and the lawyers revolved principally about their motion that he conduct the inquest as he would a trial.

They produced a recent Supreme Court ruling in support of the motion, and Atty. Paul J. Redmond of Boston told Boyle that if he refused to accept it he would ask for still another hearing "because we will have to take proper procedural actions to assure due process to our clients."

(Indicate page, name of newspaper, city and state.)

3 BOSTON GLOBE
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research the law than I," he told them, "and your sources on the mainland are much greater than mine. You should have come prepared with a full memo on the law so that another hearing would not be required. You could have been prepared to do this."

The lawyers said that was what they had done, that they believed a memo on the Supreme Court decision which they had submitted was enough to enable him to make a decision.

"It's my general understanding of the inquest law that it is not a trial; there is no defendant, no one is accused, and constitutional rights that pertain in a criminal trial do not pertain in an inquest," the judge said, and then asked:

"Am I correct that that generally is the law?"

"No, your honor," Clark replied and cited English law and the Supreme Court decision to back up his claim that what he and his associates were asking in demanding all the protections, restrictions, and rights of a trial, as guaranteed by the Constitution. Further, he said, the Constitution took precedence over Massachusetts law.

"Do you mean every witness would have a lawyer, or be entitled to have one, in the courtroom?" Boyle wanted to know.

"No, only those in focal position as in any criminal case," Clark replied. "Take for example the young ladies..."

"You mean they should have the right not to answer certain questions?" Boyle asked.

"Well, not necessarily," Clark answered, "but are they to be pilloried and not be allowed to give full answers to allegations. This is an accusatory procedure."

Clark conceded, in answering a question by the judge, that no inquest had ever been held—in the manners lawyers want this one held—in Massachusetts.

Redmond, who is representing the five girls and three of the men who were present at the cookout that preceded Mary Jo's death, insisted that in any other case, in any court in the state, he and the others would have the information they

needed to advise their client.

He said they must know the time limits of the trial, and asked:

"Are they (his clients) going to come here and be asked not only their name, age, and address, but every friend they had in high school, what schools they went to, and the like? Is this going to be in the nature of a slander case, where someone's whole life is laid open, or are we going to operate with rules and procedures and specific boundary dates?"

Boyle had declared, at the outset, that he was not sure whether the motions and requests for rulings submitted to him by the lawyers shortly before court were appropriate "at this time."

"I may or may not rule on them, but you will be informed when I make a decision," he declared.

It was that statement that led to the heated discussion that followed, and, ultimately,

Boyle indicated that, because the inquest was so close there may not be enough time to consider and rule on the motions.

"The time is of the essence when the reputation of a man is at stake," Clark declared loudly.

"You feel strongly about this, don't you," Boyle commented. "I will set down a hearing on the motions for tomorrow at 10 a. m."

The lawyers—there were nine of them representing prospective witnesses—also submitted a letter asking questions on ground rules for the inquest. Some of the questions appeared to be almost similar to what was sought in the motion.

They included:

⊙ Whether lawyers should file appearances.

⊙ Whether they would be allowed to be present during the entire inquest.

⊙ Whether they should have

Redmond did not say whether this meant an appeal to a higher court, but he added:

"We don't want to stall this inquest. We want it to go forward. But we need ground rules to advise our clients; otherwise, we have to operate in a vacuum."

That seemed to stir Boyle's anger, and touched off a frequently loud exchange between him and several of the attorneys.

"You have had more time to

right to advise their clients in court.

• Whether they would be allowed the right to reasonably object to questions.

• Whether they would have the right to examine and cross-examine.

• Whether the court would allow written statements to be made in lieu of testimony.

• What the scope of the inquiry would be.

• Whether they would have the right to call witnesses.

• Whether witnesses would be sequestered.

• Whether they could have a stenographer present.

• By whom and in what manner would witnesses be examined, and what the physical aspects of the court would be; would the lawyers be able to sit with their clients, have desks, etc.

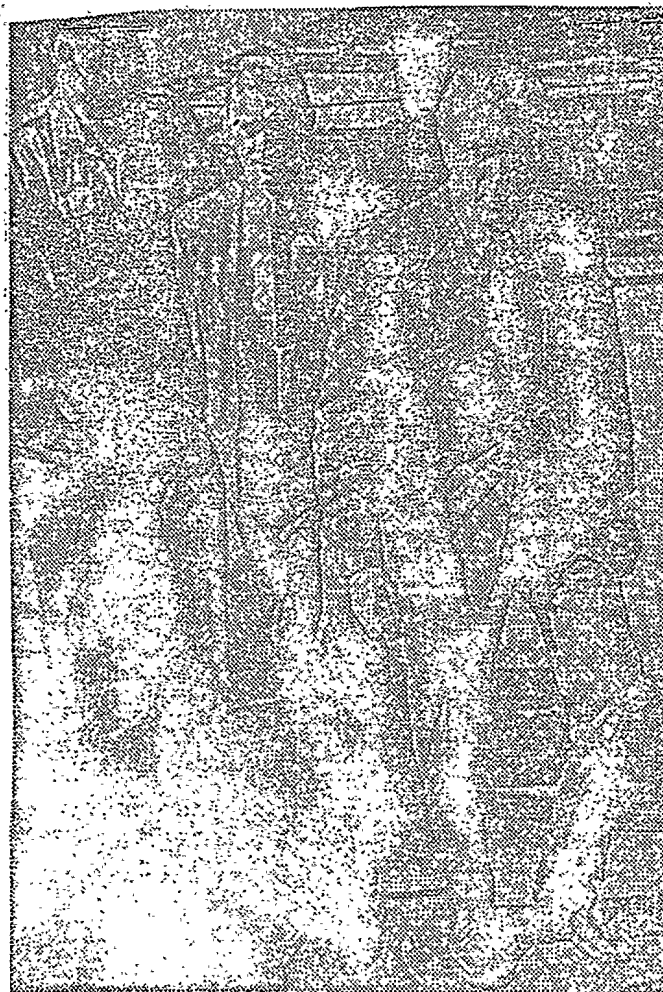
Clark, his son Robert G. Clark, III, of Brockton, and Atty. Edward B. Hanify of Boston and Richard McCarron

of Edgartown represented Kennedy at the hearing.

Redmond and Daniel J. Daley, Sr., of Boston represented Esther Newberg, Nancy and Maryllen Lyons, Susan Tannenbaum, Rosemary Keough, Jack Crimmins, Raymond LaRosa, and Charles Tretter, all of whom were at the Chappaquiddick cookout.

Atty Joseph P. Donahue of Lowell represented Paul F. Markham and Joseph F. Gargan, Jr. and Atty. James L. Kenney, Jr., of Oak Bluffs represented Associate Medical Examiner Donald R. Mills.

Some surprise was occasioned by Atty Rich H. Worth of Edgartown, who said he was representing the Pennsylvania lawyers who have been retained by Mr. and Mrs. Joseph Kopechne, Mary Jo's parents. Worth asked that space be set aside for the Pennsylvania law firm if they decided to send a representative to the inquest.



With his bodyguard State Police Cpl. Robert Enos by his side, Dist. Atty. Edmund Dinis, right, arrives at Edgartown for preliminary hearing.

(Mount Clipping in Space Below)

Dinis Under Guard After Death Threat

By JACK WHARTON, DAVE O'BRIAN and BILL DUNCLIFFE

An armed state trooper has been assigned as a personal guard for Dist. Atty. Edmund Dinis because of several legitimate threats against his life, it was disclosed Tuesday.

The trooper, identified as Cpl. Robert Enos of the Bourne Barracks, was given the duty of protecting the prosecutor by Maj. John Moriarty after detectives at State Police headquarters satisfied themselves that the threats to kill Dinis were real rather than the work of cranks.

Enos, who went into plain clothes for the assignment, has been at Dinis' side for the past few days, and accompanied him to Pennsylvania for a court hearing there Monday.

The Record American learned that after several letters were received warning Dinis that his life was in jeopardy because of his work in the Kennedy case, his aides prevailed on him to turn the notes over to the State Police.

Dinis agreed to do so, although he apparently did not take the threats as seriously as did his staff. However, after Capt. Daniel I. Murphy, head of the State Police Detective Bureau, and several other investigators and technicians examined the letters, the police guard was ordered.

Under the law, the State Police are required to supply guards for the Governor, all constitutional officers, judges of the various state courts, and district attorneys—if they are requested.

Now, however, Dinis has not availed himself of that

privilege.

Despite the threats, he continued his preparations for the inquest scheduled for Sept. 3 at Edgartown into the accident which killed Mary Jo Kopechne and cast the political future of Sen. Edward M. Kennedy into serious doubt.

Dinis and Asst. Dist. Atty. Armand Fernandes, Jr., plan to be in Edgartown Wednesday morning for a hearing before District Court Judge James A. Boyle, who will conduct the inquest.

The hearing, which will be open to the press, will be to discuss "procedural matters which may arise as a result of the inquest," according to Clerk of Court Thomas Teller.

What that appeared to mean was that Judge Boyle will listen to Dinis and lawyers who have been retained by several prospective witnesses at the inquest, and will then lay down the ground rules under which it will be held.

Among the lawyers invited to the "pre-inquest hearing" were Attys. Richard J. McCarron of Edgartown and Robert Clark, Jr., of Brockton, Joseph P. Donahue of Lowell, Paul J. Redmond of Boston, and James L. Kenney, Jr., of Oak Bluffs.

McCarron and Clark represented Kennedy last month when the senator pleaded guilty to leaving the scene of the accident in which Mary Jo was killed; Donahue represents Kennedy confidants Paul F. Markham of Melrose and Joseph Gargan of Milton; Redmond has been hired by Jack

Crimmins of South Boston, an occasional chauffeur for the senator, and by Susan Tannenbaum, Rosemary Keough, Esther Newberg, and Nance and Maryellen Lyons, all of whom were present at the cook-out on Chappaquiddick Island shortly before Mary Jo was killed, and Kenney is counsel for Associate Medical Examiner Donald R. Mills, who ruled Mary Jo a victim of accidental drowning but decided an autopsy on her body was not needed.

No decision has been made yet on whether a delay in the start of the autopsy, or a recess while it is in progress, will be necessary.

That decision apparently hinges on what ruling is made by Judge Bernard Brominski of Common Pleas Court in Kopechne to block Dinis in his tempt by Mr. and Mrs. Joseph Wilkes-Barre, Pa., on an at-efforts to have an autopsy performed.

If Brominski heeds the parents' plea to dismiss the district attorney's petition for exhumation of the body, that will presumably end the matter.

But, if he decides against the Kopechnes, he must then set a date for a hearing on the Dinis petition, and he indicated that could not be held until some time next week.

And it is just that last point that might dictate a delay or recess in the inquest — which is also set for next week — for if the Pennsylvania court rules in favor of Dinis, he might have to ask for time to go to Wilkes-Barre for the hearing.

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—DIST. ATTY. EDMUND DINIS

JUDGE JAMES BOYLE—

(Mount Clipping in Space Below)



Philip Cronin, 21, Wellesley, who works as a cabbie in Edgartown during the summer.

Record American Photo, Kevin Coje

Cabbie's Log Adds To Time Mixup in Mary Jo Tragedy

By JEAN COLE

EDGARTOWN—Another apparent confusion of times in the Ted Kennedy tragedy cropped up Tuesday with the story told by Philip Cronin, a 21-year-old Wellesley resident who works as a cabbie here during the summer.

Cronin said that on July 19, the morning after Mary Jo Kopechne drowned, he drove three girls from Edgartown to the Katama Shores Motel; also known as The Dunes.

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When a state detective showed Cronin pictures of the five girls who were with Mary Jo, Kennedy and several of the senator's friends at a cookout that immediately preceded her death, he positively one of them as one of his passengers on that trip.

According to a cab company official who checked Cronin's log, he could not have made that run before 10:30 or 11 a. m.

If correct, that would be at least an hour later than the time Mary Jo's friend, Estther Newberg, was quoted as saying she and the other girls were driven to the motel by Joseph Gargan, the senator's cousin.

In news stories several days after the accident, Miss Newberg was credited with saying that early on the morning of the 19th, Susan Tammenbaum and Rosemary Keough left Chappaquiddick Island with Gargan and Charles Trotter for breakfast at Martha's Vineyard.

She said that about 9 a. m., she and Maryellen and Nance Lyons started to walk from the

Lawrence cottage, where the cookout had been held, to the Chappaquiddick ferry slip, when they met Gargan and the others, who were on their way back.

Everyone, she said, went back to the cottage, where Gargan told them "we can't find Mary Jo."

Then she said, according to the news reports, that he took the girls across to Edgartown and drove them to the motel, only to call them on the phone about 10 a. m. to tell them Mary Jo's body had been found—that she had drowned despite Kennedy's efforts to save her.

Cronin's story was this: "On that Saturday morning, three girls walked up from the ferry and got into the back seat of my cab. They asked to be driven to the Dunes Motel."

"While we were going there I tried to make conversation. I asked them questions, the harmless sort of questions you might ask any girls getting into your cab."

"They seemed unusually quiet. I left them at the motel and didn't think any more of it until I saw the pictures in the newspapers and realized that they were the girls from the cottage."

Cronin said one of the de-

tectives assigned to Dist. Atty. Edmund Dinis showed him photographs about a week ago. He said he positively identified one of them as having been his fare the morning after Mary Jo died, but he wasn't sure about any of the others.

Cronin works for a taxi firm operated by Christopher F. Look, Sr.

According to company records, Cronin reported for work at 8 a. m. on July 19. His log for that morning showed several trips between Edgartown and the Martha's Vineyard Airport, and one from the airport to Oyster Pond.

It also contained an entry that showed Edgartown as the starting point and read:

"Three girls here to Katama Shores."

Look's wife, who keeps track of logs for the company, examined the one made by Cronin on the 19th and said he could not have made the trip to the motel before 10:30 a. m.

Her son, Deputy Sheriff Christopher F. Look, Jr., is slated to be one of the prime witnesses at the inquest which is scheduled to get under way here Sept. 3. And, curiously enough, his story also involves a difference in times.

According to Kennedy, the accident occurred shortly after 11:15 p. m. on the 18th when he took a wrong turn at the Dyke rd. while driving Mary Jo to the ferry.

But according to Look, he saw Kennedy's car at the Dyke rd. intersection at 12:40 a. m., nearly 90 minutes later.

(Mount Clipping in Space Below)

No Crime--**No Autopsy,****Argue Kopechne****Aides**

WILKES-BARRE, Pa.—A lawyer for the parents of Mary Jo Kopechne urged Monday that the application of Dist. Atty. Edmund Dinis for an autopsy be denied because there was no evidence given that a crime had been committed in Pennsylvania or elsewhere.

Presiding Judge Bernard Brominski of Common Pleas Court said, after hearing arguments from both sides on the motion of Atty. Joseph Flanagan that Dinis' request be dismissed, it would be at least 48 hours before he makes a decision.

Dinis indicated that the decision could force a delay in

By DAVE O'BRIAN and BILL DUNCLIFFE

the inquest which has been set for next week.

Brominski told reporters that if he decided to reject Flanagan's motion and set a date for a hearing on the district attorney's request, that hearing would probably not be held until the week of Sept. 1.

"That's a reasonable expectation," he told reporters.

Dinis, asked whether a hearing at that late date for his purposes—date, would delay the start of the inquest, first hedged at answering the question, but then replied:

"I would do what a reasonable man would do under the circumstances."

Flanagan, in his argument before Judge Brominski, ripped into the attempt by Dinis to have Mary Jo's body exhumed from its grave, declaring:

"Nowhere does the petition cite sufficient reasons why the wishes of the next-of-kin should be disregarded; the sanctity of the sepulchre be disturbed, or the law of Pennsylvania, which makes desecration of a grave a crime, be ignored."

Assot. Dist. Atty. Armand Fernandes, who carried the argument for Dinis, replied to that point by saying:

"Reverence for the memory of those departed does not require us to abdicate our duty."

Present in the courtroom, but silent throughout the hour-long arguments on Flanagan's motion that Dinis' petition for the autopsy be dismissed, was the district attorney himself, sitting at a table with Fernandes on the right side of the room.

With them was Asst. Dist. Atty. Francis Burns, an aide to Luzerne County Dist. Atty. Blythe Evans, Jr., who was apparently there to brief Fernandes and Dinis on points of Pennsylvania law.

Directly to their rear was Flanagan and his associates in the case, Attys. John O'Connor and Charles Shaffer of Wilkes-Barre.

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But nowhere to be seen were Mr. and Mrs. Joseph Kopechne, Mary Jo's parents, who are fighting with every resource at their command to keep their daughter's grave in nearby Larksville undisturbed.

Mary Jo drowned over five weeks ago when a car driven by Sen. Edward M. Kennedy plunged from a bridge into a tidal pond on Chappaquiddick Island, just off the Massachusetts coast.

Dinis maintained that an autopsy was a vital preliminary to the inquest into her death which is scheduled to get under



ATTY JOSEPH FLANAGAN

way at Edgartown, Martha's Vineyard, Sept. 3.

Flanagan attacked the district attorney's petition on four main issues, to each of which Fernandes offered a brief rebuttal.

They were:

1/4—The criminal division of Judge Brominski's court had no jurisdiction, since there was no evidence that a crime had been committed.

1/4—The petition was a collateral attack by Dinis on Associate Medical Examiner Donald R. Mills of Edgartown, who, without an autopsy, ruled that Mary Jo was a victim of accidental drowning.

1/4—The sanctity of the supulchre.

1/4—There were insufficient indications in the petition that negligence or a crime was responsible for Mary Jo's death.

On the first point, Flanagan said:

"Traditionally, in the Commonwealth of Pennsylvania, courts of equity have jurisdiction over burials and disinterments."

He said his research of crim-



Edmund Dinis, (right), Dukes County DA, and Judge Bernard Brominski of Luzerne County, Pa.

inal court records showed only seven cases which dealt with exhumations, and each had to do with a situation where a crime had been committed.

In only one was an exhumation allowed, Flanagan maintained, and, in that one, the defendant was already on trial.

According to Flanagan, while Dinis had authority to order an autopsy on Mary Jo while her body was still in his jurisdiction, he lost that authority the moment it was shipped out of state.

In his rebuttal, Fernandes said the jurisdiction of courts of equity over exhumations in Pennsylvania does not apply "to exhumations requested by public officials to determine whether a crime has been committed."

"Once a body is buried, it is within the power of the law and the removal of it is within the power of the court," he said. "In the light of the fact that there is going to be an inquest, it is a matter of comity (to grant an autopsy)." Comity is a term used to describe courtesies extended in law.

On the second point, Flanagan said Dinis was attempting to attack in a Pennsylvania court the judgment of a medical examiner in Massachusetts.

Nowhere, he said, does the district attorney's petition claim that Dr. Mills acted "in bad faith."

Flanagan held that the only ways the application would be valid would be if Dr. Mills had acted in bad faith or if he had made no determination at all



BERNARD C. BROMINSKI

about whether an autopsy was required.

"Neither is true in this case and thus the petition ought to be dismissed immediately," he declared.

In his reply, Fernandes declared:

"I know of no authority that states that a death certificate is a legal determination. This is not an attack on Dr. Mills; the sole purpose of the autopsy is to ascertain the truth. It could possibly confirm the opinion of the medical examiner."

Point Three, on the sanctity of the sepulchre, was dealt with by Fernandes with the one sentence that reverence for the dead could not be allowed to take precedence over duty.

On Point Four, Flanagan cited two paragraphs in Dinis' petition which said an autopsy was needed to determine whether "death may have resulted from the active negligence of a person or persons unknown" and to remove "doubt or suspicion" which have arisen.

These, he said, were insufficient reasons because the petition failed to say whether the negligence was a civil or criminal act, and added:

"The petition doesn't state



BLYTHE H. EVANS

whether these are legal doubts and or merely doubt and suspicion on the part of some people."

Fernandes, asked by Judge Brominski about whether there had been insufficient reasons given by Dinis for the autopsy, declared:

"There will be an inquest, and that fact alone is enough reason for an autopsy."

(Mount Clipping in Space Below)

Dinis and Pa. Judge to Confer On Autopsy Petition Objections

Objections filed by Mary Jo Kopechne's parents have forced Dist. Atty. Edmund Dinis to fly to Wilkes-Barre, Pa., today for a pre-hearing conference with the judge who will hear his petition for exhumation of May Jo's body next Monday.

Mary Jo, 28, campaign aide to the late Sen. Robert Kennedy, drowned on Chappaquiddick Island, Martha's Vineyard, when a car driven by Sen. Edward M. Kennedy plunged off Dike Bridge into Pochas Pond there July 11.

Dinis is seeking an autopsy on Mary Jo's body prior to an inquest scheduled to open in Edgartown Sept. 3.

Associate, Dukes County Medical Examiner Dr. Donald R. Mills ruled that Miss Kopechne died of accidental drowning. His finding, reached without conducting an autopsy, was criticized by Dinis as "a calculated guess."

"We're only doing what should have been done before," Dinis said yesterday of his current action.

Formal hearing of his petition for exhumation and an autopsy is scheduled for next Monday in the Luzerne County Common Pleas Court, but objections raised by lawyers for Mr. and Mrs. Joseph Kopechne moved Judge Barnard Borminski to order a pretrial conference in his Wilkes-Barre courthouse chambers today.

Dr. Mills and Dinis have been at odds over responsibility for failure to conduct an autopsy immediately after the accident.

Dr. Mills' superior, Dukes County Medical Examiner, Dr. Robert W. Nevin, was a signer of Dinis' petition for exhumation but said last night he didn't plan to attend the hearing next Monday "unless summoned."

"I think time has gone on, and the effectiveness of an autopsy is becoming more remote," Dr. Nevin said in Edgartown yesterday.

Dinis said he planned to have both island medical examiners and Edgartown Police Chief Domenick J. Arena as witnesses in the Wilkes-Barre hearing next week.

State Police Lt. George Killen, Dinis' chief investi-



DIST. ATTY. DINIS

gator, also was expected to attend.

Dinis has yet to release the list of witnesses he expects to call at the inquest, but it was reported from Washington that five girls who attended the Chappa-

quiddick Island party for Kennedy campaign "boiler room" workers will be voluntary witnesses.

In New York, Theodore C. Sorensen denied reports he received two telephone calls from Sen. Kennedy the night of the accident. Sorensen said he wasn't in his New York apartment at the time and was visiting friends on Long Island.

"If he had called me," Sorensen said, "I would have advised him immediately to do what he later realized he should have done — namely go to the police promptly."

Last week, the Manchester (N.H.) Union-Leader reported that two of 17 calls charged to Sen. Kennedy's telephone credit-card that night had been to Sorensen's apartment.

Sorensen is credited with writing much of the speech Sen. Kennedy made on a national TV hookup a week after the tragedy.

(Indicate page, name of newspaper, city and state.)

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Dinis May Present Autopsy Plea in Pa.

Dist. Atty. Edmund L. Dinis, or an aide, may go to Wilkes Barre, Pa., Friday to personally present a petition in the Luzerne County Common Pleas Court for an autopsy on the body of Mary Jo Kopechne, who drowned July 18 in an accident involving a car driven by Sen. Edward M. Kennedy, the Record American learned Thursday.

And, the word from Wilkes Barre was that unless the petition was delivered by Friday, a two-week delay might result.

There are no sessions of the Common Pleas Court on Saturday and the county grand jury meets Monday for a probable two week session.

President Judge Bernard C. Brominski will be occupied with the grand jury, it was announced.

Earlier, the judge said if he received the request by Friday he probably would be able to conduct a hearing the latter part of next week. However, this would require the calling of a special court session because of the sitting of the grand jury.

Because Pennsylvania law does not allow for mailing of petitions for such hearings, either Dinis or a legal representative must appear in court to request the hearing.

In Wilkes Barre, Dist. Atty. Evans disclosed he had both written and talked by telephone to Dinis Thursday morning. He said Dinis called to inquire about the closest airport to Wilkes Barre and indicated he might charter an airplane to go there on Friday.

In the letter, Evans assured Dinis of his cooperation "within

the limits of the law" and offered the courtesy of his office, including use of office facilities. He said, however, presentation of the facts of the petition and the expenses of any proceedings would be the responsibility of Dinis' office.

Evans told a reporter he was not completely pleased with Dinis' petition which was received in the mail earlier by the clerk of the Common Pleas Court. He noted that a death certificate for Miss. Kopechne, signed by an associate medical examiner, stated the cause of death was drowning. The Dinis petition, he said, was signed by the medical examiner.

Evans said that before the petition was sent to Pennsylvania, Dinis should have gone through the Massachusetts courts and should have obtained a court opinion as to the need for an autopsy.

He said the two most important points to consider now on deciding whether or not to hold an autopsy were: 1. The desires of her parents, and 2. Whether or not there is any imperative reason.

An inquest in Edgartown District Court into the death of Miss Kopechne on Chappaquiddick Island, off Edgartown, is set for Sept. 3. A two-week delay in the start of a hearing in Wilkes Barre would bring the proceedings to just a few days before the start of the inquest.

In that event, inf an autopsy were allowed, it would have to be performed swiftly to permit a report in time for the inquest.

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Kennedy Refutes 'False Whispers'

Sen. Edward M. Kennedy spoke bitterly yesterday of "whispers and innuendoes and falsehoods" concerning his July 18 auto accident that killed Mary Jo Kopechne.

"I feel the tragedy of the girl's death," Kennedy said. "That's on my mind. That's what I will always have to live with."

"But what I don't have to live with are the whispers and innuendoes and falsehoods, because they have no basis in fact."

Kennedy said charges contained in syndicated columns written by Jack Anderson are "categorically untrue."

Anderson wrote that Kennedy asked his cousin, Joseph Gargan, to take the blame for the accident.

The New England Telephone Co. says legal restrictions prevent it from confirming or denying reports that 17 calls were charged to Kennedy's credit card in the hours after the accident.

According to the Associated Press, the Manchester, N.H., Union Leader said five of the calls were made shortly before midnight from the Chappaquiddick Island cottage where Kennedy, Miss Kopechne and others were attending a party.

The other 12 reportedly were made from a motel in Edgartown where Kennedy was staying.

The telephone company said that use of Kennedy's credit card did not necessarily mean the senator made the calls himself.

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Kennedy intimates add more details to accident

WASHINGTON—Sen. Ted Kennedy has denied my account of what happened on the night he drove off Dyke Bridge and left Mary Jo Kopechne at the bottom of Poucha Pond. The details were drawn painfully from Kennedy intimates who would have no reason to falsify the facts.

They have now provided a few more details, which help to explain Kennedy's strange conduct after the awful accident.

No doubt he did his best, risking his own life, to save Mary Jo. However, those who know him say he would risk his life ahead of his political career. He has a compulsion, which only Kennedy intimates fully understand, to finish the work of his slain brothers.

Every day that he remains in the public spotlight, he risks his life. He is convinced, say intimates, that some demented soul will try to finish off the last Kennedy brother. He fully expects another Lee Oswald or Sirhan Sirhan to take a shot at him some day.

Yet he has stayed doggedly in his brothers' footsteps, speaking out boldly on emotional and controversial issues that might excite a psychopath. Kennedy isn't foolhardy, and doesn't relish the idea that a mad sniper might be lying for him in ambush. He has even sounded out Republican friends about getting a bullet-proof government limousine.

Nevertheless, he has always put public duty ahead of his personal safety.

On the night of the tragedy, apparently, he was willing to risk his life but not his career for Mary Jo. After it was too late to save Mary Jo, he felt it might still be possible to save his presidential dream.

This was his state of mind, apparently, as he avoided lighted homes and a fire station in the tormented midnight walk back to the vacation cottage. He told his cousin, Joe Gargan, and his friend, Paul Markham, what had happened. Gargan agreed to say he had driven the death car.

Gargan had arranged for the cottage and had helped chauffeur the guests. It wouldn't have been difficult for him to convince the authorities that he had borrowed the senator's car to drive Mary Jo to the ferry.

For Gargan, the penalty would have been minor, probably a suspended sentence. For Kennedy, it could mean the ruin of his career and the end of the Kennedy dream.

Without saying a word to the other guests, Kennedy, Gargan and Markham quietly returned to Dyke Bridge. This gave Gargan a chance to familiarize himself with the accident scene.

Then Gargan and Markham rustled up a boat and delivered Kennedy on the other side. The senator did not suddenly jump into the water and impulsively swim the treacherous 150-yard channel as he later claimed.

The idea was to remove the senator from the site of the accident. Then Gargan, who

was prepared to take the blame, returned with Markham to the cottage. Kennedy managed to slip unnoticed into the Shiretown Inn, where he was registered. To establish his alibi, he left his room, dressed and dry, to talk to the room clerk. Kennedy complained about the noise next door, then asked for the time, explaining he had misplaced his watch.

In other words, he supposedly had put the whole nightmare out of his mind and was concerned about having his sleep disturbed.

The next morning, Gargan and Markham returned to Edgartown, where they had dropped off Kennedy in the dark of the night, to pick him up. They assumed that they were still the only three persons who knew about the accident, and they wanted another look at the scene in the daylight.

As they were crossing the channel, however, someone mentioned that a car had been found bottom up in Poucha Pond. Kennedy was shaken and walked off alone to get a hold on his emotions. Standing behind a car, he decided what he must do. It was his moment of truth.

As soon as the ferry docked, he stepped over to a pay phone near the landing and telephoned his attorney, Burke Marshall. Then the senator returned on the ferry to Edgartown and headed purposely for the police station. Markham made the lonely crossing with him. Gargan hurried to the cottage to get the other members of the Kennedy party off the island before the press descended upon them.

(Indicate page, name of newspaper, city and state.)

23 BOSTON GLOBE
Boston, Mass.

BOSTON HERALD
TRAVELER
Boston, Mass.
RECORD AMERICAN
Boston, Mass.

Date: 8/23/69
Edition: Evening
Author:
Editor: Thomas Winship
Title: KENNEDY INCIDENT

Character:
or
Classification: 62-Kennedy
Submitting Office: Boston

☐ Being Investigated
62-5078-31
62-5078-31

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 14 1969	
FBI - BOSTON	

Boston on 14

(Mount Clipping in Space Below)

No Phone Call Records in Ted's Case

EDGARTOWN — The telephone company has failed thus far to provide authorities with a record of any phone calls from Chappaquiddick Island that could have a bearing on the death of Mary Jo Kopechne, Police Chief Dominick J. Arena disclosed Tuesday.

The calls — if any — would have been made from the rented cottage where Mary Jo and Sen. Edward M. Kennedy left to catch the midnight ferry to Edgartown on July 18.

The period involved would have been from late on the night of Friday the 18th to Saturday morning, July 19.

Arena stressed that he does not know whether any calls were made from the cottage during that time, or whether they would have any bearing on the inquest that will get underway here Sept. 3.

He said that while he was

investigating the accident in which Mary Jo died he asked the phone company for a record of any calls that may have been placed from the cottage to Edgartown, Hyannis Port, Washington, and the like during the period in question.

Company officials told him that, to isolate such information at other than the regular billing date would raise havoc with their computer setup; Arena declared.

However, he quoted them as saying, any such calls would show up in the regular billing in mid-August. Arena said he expects to hear from the phone company in the next week and, if there were any such calls, he will forward a record of them to Dist. Atty. Edmund Dinis.

Arena met for more than an hour with State Dep. Lt. George

Killen, who was assigned by Dinis to make an investigation preliminary to the inquest.

All the files in the Kennedy case were checked, and Killen said he intended to use them as a basis for his own probe.

"I gave him everything I had, all the statements and a complete list of names of anyone who could possibly give help

in the inquest," Arena said.

Dinis is expected, later in the day, to forward to Luzerne County Court in Wilkes-Barre, Pa., a formal request for an autopsy on Mary Jo's remains.

If one is allowed, he said, he would not object to its being conducted in Pennsylvania, but would ask that a pathologist from Massachusetts be present.

(Indicate page, name of newspaper, city and state.)

BOSTON GLOBE
Boston, Mass.

BOSTON HERALD
—TRAVELER

Boston, Mass.

3 RECORD AMERICAN
—Boston, Mass.

Date: 8/13/69

Edition: Home

Author:

Editor: C. Edward Holland

Title: KENNEDY INCIDENT

Character:

or

Classification: 62-0

Submitting Office: Boston

☐ Being Investigated

62-5078-20
62-0-16851-11

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 13 1969	
FBI — BOSTON	

CC: Bureau

(Mount Clipping in Space Below)

Pa. Tells Dinis Make Autopsy Bid in Person

By PAUL GIGUERE and JACK GALLANT
HT Staff Reporters

The possibility of two court hearings in the death of Mary Jo Kopechne—one in Pennsylvania and another, already scheduled, in Massachusetts—arose yesterday, along with legal complications, in the case.

Luzerne County Common Pleas Court officials in Wilkes Barre said a hearing might have to be held there on the petition of a Massachusetts district attorney for exhumation and autopsy of the body of Miss Kopechne.

The 28-year-old former secretary to the late Sen. Robert F. Kennedy drowned the night of July 18 when a car driven by Massachusetts Sen. Edward M. Kennedy plunged off a narrow bridge and into a tidal pond on Chappaquiddick Island adjoining Martha's Vineyard.

Petitions requesting the autopsy were received yesterday in Pennsylvania from Dist. Atty. Edmund Dinis of New Bedford, but legal filing reportedly was being held up pending a personal appearance by Dinis or a duly authorized representative.

COURT SOLICITOR Atty. Arthur Panaway of Luzerne County said he had recommended that Dinis be informed by letter that the autopsy petition to the county—where Miss Kopechne is buried—was not acceptable as a petition received through the mail.

The solicitor said Dinis would have to present the petition in person to the Pennsylvania court, send a member of his staff or choose a member of the bar in Pennsylvania to submit it for him.

President Judge Bernard C. Brominski of Luzerne County Common Pleas Court said that if the petition is properly presented, he could set a hearing as early as next week on whether or not to sanction exhumation.

Proper notice must be given to all parties, including the dead girl's parents, Mr. and Mrs. Joseph Kopechne of Berkeley Heights, N.J., the judge added. The parents said they were consulting a lawyer, but did not indicate whether they would formally oppose an autopsy.

INDICATING the Massachusetts petition would get no special priority, Judge Brominski told reporters yesterday:

"I've got 16 other things on my desk to do, and I'm not going to be stampeded by what happens in other states."

Dinis' request would "go into the hopper and be scheduled for hearing in the normal way," the judge said.

It was not clear whether a Pennsylvania autopsy hearing would be public, what witnesses, if any, would be called, or whether it might conflict with an inquest scheduled to begin Sept. 3 in Edgartown District Court.

In a letter to Dinis last week, Luzerne County Dist. Atty. Blythe Evans said that for the Pennsylvania courts "to consider an order for an autopsy and exhumation to be made on the body of the deceased, it would require a showing of imperative reason as a basis for any other..."

AS FOR POSSIBLE objections from the parents, Judge Brominski said yesterday: "It all depends on the nature of their objections. They may have a legitimate and legal reason to block it. I can't really speculate until I've seen the petition and heard the arguments."

(Indicate page, name of newspaper, city and state.)

BOSTON GLOBE
Boston, Mass.

2 BOSTON HERALD
TRAVELER
Boston, Mass.
RECORD AMERICAN
Boston, Mass.

Date: 8/14/69

Edition: Morning

Author:

Editor: John Herbert

Title: KENNEDY INCIDENT

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Classification: 62-Kennedy
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AUG 14 1969	
FBI - BOSTON	

CC: Bureau

(Mount Clipping in Space Below)

Dinis, Pa. Official Split Over Autopsy

EDGARTOWN — Law enforcement officials in Massachusetts and Pennsylvania were headed for a public quarrel Tuesday over the intention of Dist. Atty. Edmund Dinis to seek an autopsy on the body of Mary Jo Kopechne.

Dinis, preparing for an inquest into the accident in which Mary Jo died, appeared to take the position that the only authorization he needed to ask that her body be exhumed was a section of the appropriate Massachusetts law.

That law gives a district attorney the right to order an autopsy if he deems one necessary — and it was this which Dinis sent by registered mail to officials in Luzerne County, Pa., where Mary Jo is buried. It was accompanied by a letter making a formal request for an autopsy.

Dinis said in his petition he wanted the post-mortem examination for the forthcoming inquest into the accident.

"The purpose of the inquest," he said in the petition, "is to

determine whether or not there is any reason sufficient to believe that the sudden death of Mary Jo Kopechne may have resulted from the act or negligence of a person or persons other than the deceased."

However, Dist. Atty. Blythe Evans, Jr., of Luzerne County indicated that he wanted something stronger than that. Pressed on whether he would be satisfied with a letter from Dinis, Evans declared:

"My original letter still states my position — that I will only consider a court order based on a foundation of imperative reasons for an autopsy."

Evans said he was not familiar with Massachusetts law on reason why such an examination should be made.

"My opinions have been based on Pennsylvania law — under which a court order is needed. It's a court order we're looking for, but so far we haven't received anything."

One of Evans' aides, who declined to be identified, suggested that the inquest go forward without an autopsy — since one could be easily authorized if testimony produced some cogent reason why such an examination should be made.

In his petition for the exhuming and the autopsy, which is bolstered by the signature of Dukes County Medical Examiner Dr. Robert W. Nevin, the district attorney stressed a number of points:

It would clearly establish the cause of death and all doubt and suspicion surrounding the case would be resolved. In requesting the autopsy, Dinis sought to have it performed as soon as practicable, time being of the essence.

Further, the Common Pleas Court in Luzerne County is requested to give full faith and credit to the Massachusetts law under which the autopsy is sought.

The petition asks that Luzerne County officials issue an order of notice to John B. Gibbons, Luzerne County coroner and to Joseph and Gwen Kopechne, parents of Mary Jo.

Dinis asked for a hearing on the petition, that it be granted and that disinterment and an autopsy be held forthwith.

The looming quarrel over the belated post mortem on Mary Jo's remains created a problem for Dinis, one that he inferred might have been avoided.

(Indicate page, name of newspaper, city and state.)

BOSTON GLOBE
Boston, Mass.

BOSTON HERALD
— TRAVELER

Boston, Mass.

3 RECORD AMERICAN
— Boston, Mass.

Date: 8/13/69

Edition: Complete

Author:

Editor: C. Edward Holland

Title: KENNEDY INCIDENT

Character:

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Classification: 62-0

Submitting Office: Boston

☐ Being Investigated

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AUG 13 1969

FBI — BOSTON

CC: Bureau

He was quoted as saying that on July 20, less than 48 hours after the time Sen. Edward M. Kennedy said the accident occurred in which Mary Jo died, he ordered an autopsy on the body.

It was only after doing so, Dinis said, that he learned it had been sent to Pennsylvania for burial. Mary Jo's parents said they will go to court, if necessary, to block Dinis now and Evans said their wishes will be given great weight.

In another development, Police Chief Dominick J. Arena revealed that the telephone company has failed to provide a record of any calls from Chappaquiddick Island which might have a bearing on the case.

The calls—if any—would have been made from the rented cottage which Mary Jo and Kennedy left to catch the

midnight ferry to Edgartown on July 18.

The period involved would have been from late on the night of Friday the 18th to Saturday morning, July 19.

Arena stressed that he does not know whether any calls were made from the cottage during that time, or whether they would have any bearing on the inquest that will get underway here Sept. 3.

He said that while he was investigating the accident in which Mary Jo died he asked the phone company for a record of any calls that may have been placed from the cottage to Edgartown, Hyannis Port, Washington, and the like during the period in question.

Company officials told him that, to isolate such information at other than the regular billing date would raise havoc with their computer setup, Arena declared.

However, he quoted them as saying, any such calls would show up in the regular billing in mid-August. Arena said he expects to hear from the phone company in the next week and, if there were any such calls, he will forward a record of them to Dist. Atty. Edmund Dinis.

Arena met for more than an hour with State Det. Lt. George Killen, who was assigned by Dinis to make an investigation preliminary to the inquest.

All the files in the Kennedy case were checked, and Killen said he intended to use them as a basis for his own probe.

"I gave him everything I had, all the statements and a complete list of names of anyone who could possibly give help in the inquest," Arena said.

(Mount Clipping in Space Below)

Barley Flies Into Kopechne Case

By PAUL GIGUERE
WT Staff Reporter

EDGARTOWN—Boston criminal lawyer F. Lee Bailey literally dropped into the Mary Jo Kopechne drowning case—involving Sen. Edward M. Kennedy—yesterday.

The lawyer was in a group of seven men who alighted from a plane and helicopter at the island airport shortly before noon and went immediately to the Dike Bridge on Chappaquiddick Island, where a car driven by Sen. Kennedy plunged into a tidal pond on the night of July 18.

One of the party carried a holstered pistol at his belt. He was later identified by Bailey as former State Police Det. Andrew J. Tuney, who now heads an investigation agency founded by the lawyer. Bailey declined to identify the other men with him.

He said it would be a "fair inference" that he was in the area in connection with the "Kennedy case" but said he was not representing the senator, any of the other parties, or the state.

He added: "This is completely outside the inquest and in fact was scheduled before it was even known that an inquest would be held.

"It has nothing to do with any of the parties—the senator, the state, the Kopechne family."

"It really isn't at all that exciting."

He said he had not talked with any of the parties in connection with the case and that he had "no interest from a lawyer's point of view."

At the same time, said Bailey, in answer to a question, it would be a reasonable assumption

tion that he was looking into circumstances surrounding the death of the 29-year-old Miss Kopechne.

The legal cause of her death will be determined at an inquest requested by Dist. Atty. Edmund S. Dinis and set for Sept. 3 by District Judge James A. Boyle. Dukes County Associate Medical Examiner Dr. Donald R. Mills at the time of the accident ruled her death due to drowning, but did not order an autopsy now sought by Dinis.

Kennedy, 37-year-old Senate whip who received a two-month suspended sentence for leaving the scene of the accident, was reported at his Hyannis Port summer home for the weekend.

Arriving from Washington Friday night, he repeated his desire to cooperate fully with an inquest. "I've cancelled all my plans and will be available," he said at Logan International Airport in Boston.

(Indicate page, name of newspaper, city and state.)

BOSTON GLOBE
Boston, Mass.

1 BOSTON HERALD
TRAVELER
Boston, Mass.
RECORD AMERICAN
Boston, Mass.

Date: 8/10/69
Edition: Sunday
Author:
Editor: John Herbert
Title: KENNEDY INCIDENT

Character:
or
Classification: 62-0
Submitting Office: Boston
☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 12 1969	
FBI - BOSTON	

*(62)
We have file on
this incident re
Kennedy file
there
JFK*

62-0-16851-K

62-5078-17

Miss Kopechne was a former secretary to Kennedy's brother, the late Sen. Robert F. Kennedy.

HER FAMILY, meantime, has announced intention of resisting attempts to exhume her body from a Pennsylvania cemetery.

A top aide of Dinis', Asst. Dist. Atty. Armand Fernandes, was reported to have gone to Pennsylvania to make arrangements with authorities there for a possible autopsy.

The Bailey arrival came as the newest sensation for the curious who have been flocking to the accident area.

Scores gaped as the helicopter—with Bailey at the controls — circled about Dike Bridge, taking detailed pictures.

Asked if he could indicate his general area of interest in the case, Bailey would only say:

"I was looking for something. . . ."

Asked if he found it, he replied:

"It was a point of view, an observation."

HE SAID it was possible that he would return again.

The helicopter, the plane and the party of seven took off for Marshfield Airport at about mid-afternoon.

Indices Search Slip
FD-160 (Rev. 10-1-59)

Date

TO: CHIEF CLERK

Subject

Aliases

Address

Birth Date

Birthplace

Race

Sex

☐ Male

☐ Female

☐

Exact Spelling

☐

All References

☐

Main Subversive Case Files Only

☐

Subversive References Only

☐

Main Criminal Case Files Only

☐

Criminal References Only

☐

Main Subversive (If no Main, list all Subversive References)

☐

Main Criminal (If no Main, list all Criminal References)

☐

Restrict to Locality of

File & Serial Number

Remarks

File & Serial Number

Remarks

62-0-16851-A

Requested by

Squad

Extension

File No.

Searched by

Consolidated by

Reviewed by

File Review Symbols

I - Identical
NI - Not identical

? - Not identifiable
U - Unavailable reference

8/12/64
(date)

(date)

(date)

(Mount Clipping in Space Below)

Dinis Bypasses Arena; Probe May Face Delay

By EARL MARCHAND

WT Staff Reporter

EDGARTOWN — Investigators for Dist. Atty. Edmund

Dinis are by-passing Edgartown police in their preparations for an inquest into the death of Mary Jo Kapachne.

Police Chief Dominick Arena, who conducted the much-criticized probe of the death of the 28-year-old secretary in the car of Sen. Edward M. Kennedy July 18, disclosed last night that Dinis' office has shown no interest in his file.

There has been no rapport between the Edgartown police and the Dukes County district attorney's office since Dinis moved for an inquest a week ago, the chief said.

At that time, Arena added, he offered the prosecutor all reports on the case, as well as his own personal cooperation and that of members of the force.

Meanwhile, there are widespread reports here that Dinis will be unable to open his inquest within the week or ten-

day period that he had forecast yesterday. Sources close to the court predicted "some time after Labor Day is more likely."

As yet, Dinis has not conferred with Judge James A. Boyle of the Edgartown District Court on the many details involved, including a date, funds to pay for the inquest, appointment of an investigative officer and a number of other necessary procedures.

A report that Judge Boyle will meet with Dinis at 1 p.m. today at the courthouse here was not confirmed either by the presiding justice or by the district attorney.

Court attaches called it "a virtual impossibility" to set in motion legal machinery that would have Sen. Kennedy and more than 25 other witnesses, many from Washington and other points out-of-state, here on the island within a week.

Sen. Kennedy has cancelled a scheduled European vacation to hold himself available.

Mrs. Margaret O'Neil, treasurer of Dukes County, reiterated yesterday that the county treasury is bare of any funds for an inquest. An unusual number of narcotics cases in court here this summer has further depleted court funds, she revealed.

Judge Boyle has advised Dinis that one of the details he will have to work out is the unavailability of funds.

Only a special act of the Legislature can permit the county to borrow funds for an inquest, stressed Mrs. O'Neil. She said out-of-town witnesses would have to be paid \$5 a-day fee, 10 cents a mile travel allowance, and lodging. Six small towns pay the costs of Dukes County.

(Indicate page, name of newspaper, city and state.)

BOSTON GLOBE
— Boston, Mass.

4 BOSTON HERALD
— TRAVELER
Boston, Mass.
RECORD AMERICAN
— Boston, Mass.

Date: 8/8/69

Edition: Morning

Author:

Editor: John Herbert

Title: KENNEDY INCIDENT

Character:

or

Classification: 62-

Submitting Office: Boston

☐ Being Investigated

62-5078-16

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AUG 12 1969	
FBI - BOSTON	

62-5078-16

An assistant of Dinis, Atty. Armand Fernandes, was preparing yesterday to leave for Wilkes-Barre, Pa., to begin what appears to be a protracted court battle for the right to have the body of Miss Kopechne exhumed from a grave in Pennsylvania. Dinis seeks to have an autopsy performed.

The parents of the victim, Mr. and Mrs. Joseph Kopechne, now living in Berkeley Heights, N. J., have served notice they will bitterly oppose exhumation, even to the extent of petitioning the court for a restraining order.

It was learned yesterday that Dist. Atty. Blythe H. Evans, Jr., of Luzerne County in Pennsylvania has assured Miss Kopechne's parents that Dinis would have to allow them to make their wishes felt, and to give good reason for holding an autopsy before the state of Pennsylvania would allow the body to be exhumed.

In a letter to Dinis, the Pennsylvania prosecutor advised: "No order would be considered in Pennsylvania without notice to the dear relatives and an opportunity for them to appear in the proceedings for such an order. In order for our courts to consider an order for an autopsy, it would require a showing of imperative reasons."

The Kopechnes have voiced no objection to an inquest.

Dinis, it was learned, plans to introduce to the court in Pennsylvania in support of his exhumation petition a statement by Dr. Donald R. Mills, associate medical examiner of Dukes County. Dr. Mills ruled Miss Kopechne was the victim of accidental drowning when

the Kennedy car went off a bridge into a tidal pool on Chappaquiddick Island.

Dinis' representative is expected to stress that part of the statement that reads: "I have been asked numerous times if an autopsy would have been done had we known the

senator was involved as the driver of the car. I believe the district-attorney's office would agree with me that the answer would be yes, in view of the senator's prominence as a national figure and the need to protect his public image against speculation."

The next paragraph in Dr. Mills' statement sets forth:

"I again reiterate that under the circumstances and with the knowledge we had at the time, autopsy was not indicated and, if done today (July 25), would add absolutely nothing we do not already know."

(Mount Clipping in Space Below)

Ted's Story Seen Vital for Inquest

By ED CORSETTI and
BILL DUNOLITTLE

EDGARTOWN—Despite the present intentions of Dist. Atty. Edmund Dinis, Ted Kennedy is virtually certain to be called as the star witness at the inquest into the death of Mary Jo Kopechne, it was learned Saturday.

★

The inquest, which will be held before District Court Judge James A. Boyle, is slated to get underway Sept. 3.

But Dinis, who will present the witnesses to the court, caused a stir when he said he expected to call about 15—but said he did not intend "at

this time" that the state's senior senator would be one of them.

Other sources close to the case, however, said that the district attorney may have no great choice in the matter.

They pointed out that an inquest is a legal proceeding designed to establish a cause of death and to determine whether a death resulted from the act or negligence of another.

Among those Dinis indicated would be called were the ten other people who attended a cook-

out at Chappaquiddick Island which Kennedy and Mary Jo left shortly before her death.

They included Nance Lyons and her sister, Maryellen of Milton; Rosemarie Keough, Susan Tenebaum, and Esther Newberg, all of Washington, D. C.; former U. S. Atty. Paul Mackham of Melrose, Atty. Joseph F. Gargan of Milton, Raymond LaRosa, Charles C. Tretter of Dedham, and Kennedy aide John G. Crimmins.

★

They are expected to tell about the cookout that was held at a cottage rented by Gargan.

However, authorities said, the only one who has first-hand knowledge of what happened between the time the senator and the secretary left

(Indicate page, name of newspaper, city and state.)

1 BOSTON SUNDAY
ADVERTISER=Boston,
Mass.
BOSTON GLOBE
Boston, Mass.
BOSTON HERALD
TRAVELER
Boston, Mass.
RECORD AMERICAN
Boston, Mass.

Date: 8/10/69
Edition: 5 Star Complete
Author:
Editor: Samuel Bernstein
Title: KENNEDY INCIDENTS

Character:
or
Classification: 62-0
Submitting Office: Boston
☐ Being Investigated

62-0-16851-11

SEARCHED 5	INDEXED 5
SERIALIZED 5	FILED 5
AUG 12 1969	
FBI - BOSTON	

62-5078-15

to catch the midnight ferry to Edgartown and the time his car went off a small, unrailed bridge into a tidal pond was Kennedy himself.

★

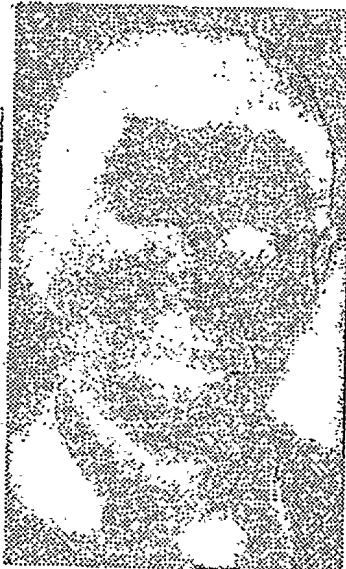
For that reason, it was reported, Dinis may probably decide to ask Kennedy to appear at the inquest.

Curiously enough, some of those present at the barbecue could ignore a subpoena issued by Clerk of Court Thomas A. Teller if they wish, since the summonses have legal force only within this state.

However, it is expected that all of the out-of-staters whose testimony may be sought will come here voluntarily.

★

Others who are scheduled to testify include Mrs. Pierre Malm of Chappaquiddick, who lives near the bridge, and who first reported to authorities that a car was in the pond, Scuba Diver John Farrar, who recovered Mary Jo's body, Deputy Sheriff Christopher S. Look, Jr., who said he saw the



RAYMOND LAROSA
May be Called



CHARLES C. TRETTER

Possible Inquest Witness

Kennedy car at the intersection leading to the bridge more than an hour after the senator said the accident occurred and Police Chief Doninick J. Arena.

The inquest will probably last about three days, and Judge Boyle is expected to file his report on it in about a month.

★

It is expected that the cost to the county will be in the neighborhood of \$5000, which will have to be appropriated by the Legislature and levied on the communities which comprise Dukes County.

Speculation that Atty. F. Lee Bailey would be called into the case arose when he and three other men were seen on Chappaquiddick Island near the drowning site.

However, when contacted at home, Bailey said he and his staff were in the vicinity on a private matter which, in no way, related to the inquest or Sen. Kennedy.

(Mount Clipping in Space Below)

Judge's Reply to Dinis

Son Bid for Inquest

The reply of Edgartown District Court Judge James A. Boyle to Dist. Atty. Edmund L. Dinis on the prosecutor's request for an inquest into the death of Mary Jo Kopechne, follows:

"To the Hon. Edmund Dinis,

"District Attorney for the Southern District,

"Commonwealth of Massachusetts,

"Superior Courthouse, New Bedford, Mass.

"Dear Mr. Dinis:

"Your letter of Aug. 1 requesting an inquest in the death of Mary Jo Kopechne is unclear to me for the following reasons:

"1—I have no power of assignment over other District Court judges as suggested by you.

"2—Are you requesting the exercise of the discretionary power granted to me by Section 8 of Chapter 38? If so, in order that I may intelligently

exercise that discretion, please advise if you have and intend to submit evidence that an unlawful act or negligence caused, or contributed to the death or that the cause of death is contrary to the published report of the Medical Examiner.

"3—If you are exercising the mandatory power given to you and the Attorney General is Section 8 to 'require' the inquest will you kindly advise.

"If your answer to 3 is in the affirmative, then decision should be made as to:

"a—The appointment of an investigative officer under section 10.

"b—Summoning of witnesses.

"c—Date of inquest.

"d—Exclusion of the public.

"e—Sequestration of witnesses.

"f—Employment of

necessary additional court personnel.

"g—Obtaining funds, not now available, to pay all expenses.

"Upon receiving your reply, if a personal conference appears advisable to settle the details for an inquest, I am always available.

"Sincerely yours,
"James A. Boyle."

A copy was sent to Chief Justice Kenneth Nash of the District Courts.

(Indicate page, name of newspaper, city and state.)

BOSTON GLOBE
—Boston, Mass.

BOSTON HERALD
TRAVELER
Boston, Mass.

3 RECORD AMERICAN
—Boston, Mass.

Date: 8/7/69

Edition: Home

Author:

Editor: Edward Holland

Title: KENNEDY INCIDENT

Character:

or

Classification: 62-0
Submitting Office: Boston

☐ Being Investigated

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AUG 7 1969
FBI—BOSTON

CC: Bureau

62-5078-14

(Mount Clipping in Space Below)

Dinis Orders Ted's Case Inquest

By JEAN COLE, JACK WHARTON, ED CORSETTI
and FRANK THOMPSON

An inquest into the death of Mary Jo Kopechne in an automobile driven by Sen. Edward M. Kennedy will be held under his mandatory power, Dist Atty. Edmund L. Dinis announced Wednesday.

Mary Jo, 28, of Washington, D.C., former aide to the late Sen. Robert F. Kennedy, drowned when the senator's car went off a wooden bridge over a salt water pond on Chappaquiddick Island, off Marthas Vineyard.

The announcement by Dinis was made at the State House office of Atty. Gen. Robert H. Quinn after receipt at Dinis' New Bedford office of a long reply from Judge James A. Boyle of Edgartown District Court to Dinis' request for an inquest.

The letter, read to reporters at Dinis' office by Asst. Dist. Atty. Armand Fernandes, Jr., said Dinis' request for an inquest was unclear and noted Boyle had no power of assignment over other district court judges.

This was seen as an indication Dinis had asked Judge Boyle, who presided over the court when Kennedy pleaded guilty to leaving the scene of an accident, to name another jurist for the inquest proceedings. Boyle gave Kennedy a two-month suspended sentence and a year's probation.

Date and other details of the proceedings remain to be worked out.

In his letter Judge Boyle inquired if Dinis was asking the judge to "exercise the discretionary power" granted him under the law. He asked that in this event, Dinis advise him "if you have and intend to submit evidence that an unlawful act or negligence caused or contributed to the death or that the cause of death is contrary to the published report of the Medical Examiner."

The judge asked also if Dinis were exercising the mandatory powers of the district attorneys and attorney general to "require" an inquest. In that event, he wrote, decisions had to be made on:

Appointment of an investigative officer, the summoning of witnesses, date of the inquest, whether the public would be excluded or witnesses sequestered, employment of additional court personnel and obtaining of funds for the proceedings.

Fernandes told reporters the district attorney would exercise the mandatory power under the law. He said Dinis would contact the judge to work out the details.

The certified letter arrived at the courthouse at 9 a.m., and was accepted and signed for by Mrs. Mary Lou Spiliotis.

Dinis absence was explained by Fernandes as a "prior commitment" — a scheduled meeting with Atty. Gen. Quinn.

At the State House, Dinis,

(Indicate page, name of newspaper, city and state.)

BOSTON GLOBE
Boston, Mass.

BOSTON HERALD
TRAVELER
Boston, Mass.
3 RECORD AMERICAN
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last of a half dozen district attorneys to arrive to confer with Quinn on a new draft of a proposed witness immunity bill, was handed a note by a secretary as he entered Quinn's office. He apparently called Fernandes from Quinn's office.

Emerging from the Attorney General's office 25 minutes later, Dinis said, "the letter from Judge Boyle has arrived at my New Bedford office. I consider the answer satisfactory."

Pressed for an explanation, he said, "I consider it favorable. The letter contained a provision by the judge that I must further clarify under what section of the inquest chapter on which I am basing my request."

He indicated he planned to advise the judge he would ask under the mandatory provision of the law. He also said a conference would be held to establish the time and basic ground rules of the session.

Dinis answered "no comment" to questions as to whether the inquest would be open, or whether he discussed the Kennedy case with Quinn.

He was asked if all witnesses in the incident would be summoned. "Yes," he said, "all of them will. That is the purpose of an inquest."

During earlier discussions of whether an inquest would be held, Kennedy announced he would cooperate fully.

However, he is immune from subpoena while the Senate is in session.

Miss Kopechne was one of about a dozen former aides of the Senator's late brother, Kennedy family associates and relatives at Chappaquiddick Island for a party, described as a "cookout" with others who were active in Robert Kennedy's campaign for the presidency.

According to Sen. Kennedy the accident occurred when he made a wrong turn on the way to the ferry to Edgartown and rode over and off the bridge, his car landing on its top in the waters of the salt pond.

(Mount Clipping in Space Below)

Nash Turns Down Request for Inquest

By ED CORSETTI, BILL DELARGY AND FRANK THOMPSON

Chief Justice Kenneth Nash of the Massachusetts District Courts declined Monday to intervene in the request of Dist. Atty. Edmund Dinis for an inquest into the death of Mary Jo Kopechne in an accident on Chappaquiddick Island involving a car driven by Sen. Edward M. Kennedy.

Miss Kopechne, 28, Washington, D. C., a former aide to the late Sen. Robert F. Kennedy of New York, drowned July 18 when the car went off a crude wooden bridge and into a salt water pond on the island off Martha's Vineyard.

Judge Nash notified Dinis that the request should be directed to the District Court at Edgartown, on Martha's Vineyard.

The letter containing Dinis' request was received at Judge Nash' office in Quincy District Court Monday. A similar request to Judge James A. Boyle in Edgartown had not been received at noon.

In his letter to Judge Nash, in which he indicated a copy was being sent to Judge Boyle, dated Aug. 1, Dinis wrote:

"As District Attorney of the Southern District of Massachusetts I hereby make a request that a justice of the District Court be assigned to conduct an inquest in and for the county of Dukes County as provided for under Chapter 38, Section 8, of the General Laws.

"This inquest will concern the death of one Mary Jo Kopechne of Washington, D. C., who supposedly died by external means on or about July 18.

"Signed Edmund Dinis, Dist. Atty. Dukes County."

The vacationing Judge Nash, at his summer home in Epsom, N. H., was advised of the request by his secretary, Miss Joan Weinz and dictated this reply to Dinis:

"Thanking you for your letter of Aug. 1 requesting me to assign a justice to conduct an inquest concerning the death of Mary Jo Kopechne in accordance with Chapter 38, Sec-

tion 8:

"This request should be directed to the justice of the District Court of Dukes County at Edgartown."

At Edgartown, where Judge Boyle completed all the court's business at 11 a. m., Clerk Thomas A. Keller checked the Post Office periodically for the expected letter from Dinis. It had not arrived at noon. Postal officials said that because of an unusually large amount of mail, workers had not completed sorting Saturday's mail.

Also awaited at the island was Lt. Del. Bernard Flynn from Dinis' Barnstable office. But officials said bad weather apparently had delayed his departure from the mainland.

Special Dukes County prosecutor Walter Steele stood by during the morning anticipating that Dinis himself might arrive at Edgartown.

Experts believed Judge Boyle would grant the inquest, but saw a possibility he would disqualify himself from presiding. He presided over the court when Sen. Kennedy was given a two-month suspended sentence and a year's probation for leaving the scene of an accident.

(Indicate page, name of newspaper, city and state.)

BOSTON GLOBE
— Boston, Mass.

BOSTON HERALD
— TRAVELER

Boston, Mass.

3 RECORD AMERICAN
— Boston, Mass.

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62-51078-12

Indices Search Slip
FD-160 (Rev. 10-1-59)

Date

TO: CHIEF CLERK

Subject

Aliases

Address

Birth Date

Birthplace

Race	
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Subversive References Only

Main Criminal (If no Main, list all Criminal References)

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Remarks

File & Serial Number

Remarks

62-0-16851-A

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Searched by

(date)

Consolidated by

(date)

Reviewed by

(date)

File Review Symbols

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"Kennedy's Decision"

SENATOR EDWARD M. Kennedy took his case to the proper court, we feel, when he solicited the views of the people of Massachusetts on his fitness to remain in office after the tragedy at Chappaquiddick Island.

The magic of the Kennedy name being what it is in the Bay State, it came as no surprise that the people overwhelmingly urged him to continue representing them in the U. S. Senate. Nor was it any surprise that he acceded to their wishes by announcing that he would keep his Senate seat and run for re-election next year.

In fact, we regard his decision as wise. While we have differed sharply with Kennedy on many issues, including national preparedness and the conduct of the Vietnam war, we have never questioned his diligence and sincerity. Moreover, we agree that few members of the Senate work harder for their constituencies than this young man.

Taking the statement issued by his office at face value, Kennedy is to be admired for proposing to serve out a full six-year term in the Senate if re-elected in 1970—thus ruling himself out as a 1972 presidential aspirant.

Being a Senator requires certain abilities and attributes. Being a President of the United States requires quite a different set of assets, including super-human stability and coolness. And Kennedy has publicly confessed that he failed lamentably to show these qualities in the aftermath of the Chappaquiddick Island tragedy.

(Indicate page, name of newspaper, city and state.)

BOSTON GLOBE
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BOSTON HERALD
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—Boston, Mass.

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Kennedy's file

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(Mount Clipping in Space Below)

Inquest Denied in Mary Jo Case

Superior Court Chief Justice G. Joseph Tauro refused Friday to grant a request for a Superior Court inquest into the death of Miss Mary Jo Kopechne who drowned when the automobile in which she was riding with Sen. Edward M. Kennedy went off a bridge and into a salt water pond July 18 on Chappaquiddick Island off Martha's Vineyard.

The inquest was requested Thursday by Dist. Atty. Edmund Dinis in a letter to Chief Justice Tauro.

Refusing the inquest in Superior Court, the chief justice said such a proceeding was the exclusive jurisdiction of the district courts.

Chief Justice Tauro said he was preparing this letter for Dinis — to hand to him personally if he called for it, or otherwise to mail to him.

"No provision of law has

come to my attention, nowhere have I been able to find any precedent which would permit a superior court to conduct an inquest as requested by Dist. Atty. Dinis.

"Dist. Atty. Dinis bases his request explicitly on General Laws Chas. 38, Sec. 8, (the inquest law).

"This section and all other related sections clearly indicate that the District Court has exclusive jurisdiction over such proceedings and they have no application to the Superior Court.

He said his announcement was not an offhand decision — that he had been doing research and had conferred with some of the district attorneys, and with Judge Kenneth Nash, administrative head of the states District Courts.

Before the start of Fridays, Senate session, Kennedy was asked in Washington about the

request by Dinis for an inquest into the death of Miss Kopechne, 28, of Washington, D. C., a staff worker for the senator's late brother, Sen. Robert Kennedy of New York.

He said he would "cooperate in any way" if an inquest were ordered.

The senator replied, "It's a legal matter. I plan to cooperate in any way. It's still rather unclear as to the nature of it."

He returned to the Senate Thursday for the first time since the July 18 accident.

Dist. Atty. Dinis, who serves Barnstable, Bristol and Dukes Counties — the latter including Martha's Vineyard, was unavailable Friday.

An associate said that one of the reasons why Dinis requested the inquest was that

(Indicate page, name of newspaper, city and state.)

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Boston, Mass.

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Boston, Mass.

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62-5078-10

Kennedy file
C-2

some of the people who could possibly answer questions about the case left Chappaquiddick and Martha's Vineyard within 12 hours after the accident.

He contended they were "removed — spirited away" — from the scene.

Dinis' spokesman said it was possible some of the unanswered questions might have been answered if these persons had been interviewed. He said there was a possibility Dinis would confer with Duke's County special prosecutor Walter Steele and Edgartown Police Chief Dominick Arena in an effort to determine what statements they might have obtained from people other than Kennedy.

Dinis was especially interested in finding out what former U. S. Atty. Payl Markham and Joseph Gargan, a cousin of Kennedy, said to Arena — if anything — the

morning that Kennedy reported the accident. The Dinis aide also said there have been reports that an aide of the senator gave a statement to a law enforcement official — not in Dinis' jurisdiction.

Dinis' associate said the answers to these and other questions would be available through an inquest, which would have subpoena powers.

He reiterated an autopsy should have been held and would have been ordered by Dinis if he had been aware of the circumstances of the accident; that when the accident was reported to him he had no reason to dispute the medical examiner's finding of accidental drowning.

Dinis, according to his associate, in 11 years as district attorney has had to order only about three autopsies out of the

hundreds that have been performed in his district. Generally the medical examiner decides on the need for an autopsy.

Legal experts said Dinis' move was unusual, if not unprecedented, in that he requested a Superior Court inquest instead of a proceeding in District Court.

In another facet of the case, Foreman Leslie H. Leland of the Dukes County grand jury said he had conferred twice with Atty. Gen. Robert H. Quinn on the possibility of convening the jury to consider the case.

Leland said he did so because of a number of inquiries regarding the grand jury's plans. He said he wanted only an opinion and that Quinn told him he "had no legal right to

request an investigation at this time."

He said Quinn told him only the attorney general, district attorneys, or judges could call a grand jury session.

(Mount Clipping in Space Below)

By JOHN P. ROCHE

Judgment on Kennedy

THE KEY PROBLEM in the sad case of Senator Edward Kennedy (which was not a "Kennedy tragedy" as it is Mary Jo Kopechne who is dead) is to distinguish between private and public behavior. Unfortunately the whispered innuendos tend to blur this all-important line. Let us, therefore, begin an answer to Senator Kennedy's request for advice by stipulating that he was, as he claimed, innocent of any improper acts, and cold sober, when he set out for the Edgartown ferry. And that the accident which occurred could have happened to anyone unlucky enough to make a wrong turn into that dangerous stretch of road.

So much for the private aspects of the case which can be left in the loving care of those who relish rooting around for possible scandal. What concerns me, and should, I think, concern everyone, is Senator Kennedy's public behavior — his actions not merely as a citizen, but as a high public official who has been pushed for the presidency of the United States. To make an analogy, what would we think of the captain of an ocean liner who, on hearing the fire bell, started rushing around the ship with a bucket of water? All would, I'm sure, concede that he was a fine, sincere, dedicated man — but a captain?

A little local background on Martha's Vineyard might be in order. It has some of the loveliest beaches in the United States, but the waters are plenty dangerous, notably along the south beach. Two tidal systems, in fact, meet at Wasque Point on Chappaquiddick and incautious swimmers have on occasion found themselves on the way to Nantucket. I hardly recall a summer in 15 years when there has not been a drowning, or when one has not suddenly awakened in the night to hear the fire horn calling the rescue squad — or more recently the ominous sound of the Coast Guard chopper with its huge lights prowling up and down the beach looking for a missing swimmer.

In short, the Islanders are not Iowa farmers. They live with the sea, fear it as only those who know it can, and have elaborate preparations for handling emergencies. Neither does Senator Kennedy bail from Kansas. He has spent most of his summers in and on the water in Nantucket sound, precisely the

(Indicate page, name of newspaper, city and state.)

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BOSTON HERALD
TRAVELER
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Edward Kennedy
9-20-77

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area involved. Once the car was in the water and he was unable to rescue Miss Kopechne, the public question must be: why didn't he blow the whistle?

If he had gone to the first house, he could have reached the police. In 15 minutes the chopper would have been hovering over the scene lighting it up and the scuba divers of the Edgartown fire department would soon have been at work. This might not have made any difference — Miss Kopechne may have drowned immediately — but it would have been a public response. And people trapped in cars have stayed alive for hours with air-bubbles.

Instead Senator Kennedy apparently went back, got two friends, and returned to dive some more (in the dark?). This was followed by a sequence so strange as to be unbelievable. Accompanied by his friends, he went over to the channel between Edgartown Harbor and Katama Bay (probably a good 600 feet wide), impulsively leaped into the water (in the dark) and swam across. As best we can gather, the friends said "good-bye" and went home to bed.

By this time Senator Kennedy had 1) been in a serious

automobile accident and suffered from concussion; 2) dove desperately to try to save Miss Kopechne; 3) walked over a mile to get his friends; 4) returned to try again. Nevertheless his friends permitted him to make a potentially disastrous swim to Edgartown.

Again, nobody had a public response. Kennedy swam off alone into the black night, "nearly drowning" as he himself noted. Although one of the friends, Paul Markham, was formerly United States Attorney for Massachusetts, the whole weird, tragic affair had a positively feudal atmosphere. It was as if there were no police, no fire department, no Coast Guard, no society at large.

As I said at the outset, Edward M. Kennedy's behavior as a man is not my concern here. I do not consider myself morally equipped to engage in the care of souls. However, as a citizen of Massachusetts who twice voted for Senator Kennedy I feel qualified to pass judgment on his actions as a public figure. I regret to say that his behavior on Martha's Vineyard falls well below what I consider the minimum standards we can expect for high public officials, and I feel his resignation would be appropriate.

(Mount Clipping in Space Below)

More Letters To HT Urge Ted to Resign

The preponderance of letters received at the Boston Herald Traveler yesterday in response to Sen. Edward M. Kennedy's plea for help in deciding his future course were opposed to his remaining in office.

The anti-Kennedy mail ran approximately 6 to 1 in favor of his resignation.

Seventy-five of 91 letters were opposed to Kennedy. Sixteen called on him to stay in his post.

Massachusetts residents were not alone in giving their advice to Sen. Kennedy. Of those opposed, 31 were from out-of-state and another seven out-of-staters urged him to stay on.

This differs markedly from the reaction of hundreds of telephone callers to the Herald Traveler following the senator's television address last Friday in which he told about the accident on Chapapaquiddick Island.

Those urging the senator to remain in Congress outnumbered callers urging his resignation by approximately 2 1/2 to 1.

(Indicate page, name of newspaper, city and state.)

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Boston, Mass.

7 BOSTON HERALD
TRAVELER
Boston, Mass.
RECORD AMERICAN
Boston, Mass.

Date: 7/31/69

Edition: Morning

Author:

Editor: John Herbert

Title: KENNEDY INCIDENT

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or

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Submitting Office: Boston

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62-5078-8

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(Mount Clipping in Space Below)

Ted Ruled at 'Fault,' Registry Ends Probe

HT Staff Reporter

Registrar of Motor Vehicles
Richard F. McLaughlin an-
nounced last night that the
Registry's investigation of the

fatal accident in which Sen.
Edward M. Kennedy was in-
volved has been completed.

He said the finding was the
same as that following the
preliminary investigation,
namely "fault" against Ken-
nedy, who was the driver.

McLaughlin said the investi-
gation dealt only with Ken-
nedy's driving, and not with
leaving the scene of an acci-
dent, a charge to which the
senator pleaded guilty.

IN STRESSING that the
Registry was "trying to
handle this case as all
others," McLaughlin said the
customary procedure now
calls for a hearing before a
Registry supervisor, when
Kennedy, or his counsel, will
be given an opportunity to
rebut the Registry's finding.

That hearing, added the reg-
istrar, will be next Wednesday
at 10 a.m. before Supervisor
Joseph Greelish of the Cape
and Islands district at the of-
fice of the Registry at Hy-
annis. It will not be open to
the public.

"A hearing on a fatality has
never, never been public,"
said McLaughlin, adding this
one would be no exception.

But the results of the hear-
ing will be made public, he
said. This likely will be the
next day, he said.

The supervisor, McLaughlin,
said, can rule "serious fault"
or "no serious fault," but
nothing in between. Inspectors
making the investigation for
presentation of facts to the
supervisor, he went on, con-
sidered four categories,
specifically negligence, in-
competence, reckless opera-
tion and operation to endanger
the public. Which might apply
to the Kennedy case he de-
clined to say.

McLaughlin said a finding
of serious fault by the super-
visor probably would result in
a six months license
suspension.

But he pointed out that an
automatic suspension of his
driver's license resulted when
Kennedy pleaded guilty to the
leaving the scene of an acci-
dent charge, and that this
suspension was for one year.

THUS, HE SAID it was
probable that in the event of a
finding of serious fault, the
six months' license suspension
would be made concurrent
with the earlier one of a year.
That is the general practice,
he emphasized.

(Indicate page, name of
newspaper, city and state.)

BOSTON GLOBE
Boston, Mass.

6 BOSTON HERALD
TRAVELER
Boston, Mass.
RECORD AMERICAN
Boston, Mass.

Date: 7/31/69
Edition: Morning
Author:
Editor: John Herbert
Title: KENNEDY INCIDENT

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U - Unavailable reference

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Vast Majority of Letters Say Ted Should Resign Senate Seat

HT Staff Reporter

Letters received at the Boston Herald Traveler in response to Sen. Edward M. Kennedy's appeal for guidance reflect a reaction markedly different from that voiced over the telephone by hundreds of callers last weekend.

At the end of his television address last Friday in which he gave his account of the Chappaquiddick Island incident, the senator appealed to Massachusetts citizens to help him reach a decision whether to remain in office.

The phone callers urging the senator to remain on the job outnumbered those urging him to resign by a margin of approximately 2½ to one.

Of 117 letters received yesterday at the newspaper, 14 were in favor of his continuing in the Senate, 103 were opposed.

Although Kennedy's appeal was directed toward Bay State citizens, 30 of those opposed to him were from other states. Five of the 14 in his favor were from out-of-state.

One woman, Miss Helen Hegarty of Dorchester, bypassed the Senate issue altogether, and said: "I would vote for him as President only if assured Markham and Gargan weren't his advisors."

Former U. S. Atty. Paul Markham and Joseph Gargan, Kennedy's cousin, joined him in a futile effort to reach Mary Jo Kopechne in the

submerged car, according to Kennedy in his TV speech.

Jane C. Wyman of Newton wrote: "Congratulations to Sen. Edward M. Kennedy for a beautiful television performance, a genuine tear-jerker. Probably any of us, given a staff of professional advisors could have done as well.

"My advice: Resign while he's still ahead in the eyes of some."

Mrs. Henry Parkman of West Cedar Street, Beacon Hill, said in part: "... Now he is unable to decide what to do next without being bolstered by fan mail. Is it possible to imagine his brothers, behaving in this way? I think he should resign."

(Indicate page, name of newspaper, city and state.)

BOSTON GLOBE
—Boston, Mass.

BOSTON HERALD
9 TRAVELER
Boston, Mass.
RECORD AMERICAN
—Boston, Mass.

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Author:
Editor: John Herbert
Title: KENNEDY INCIDENT

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62-0-16851-E

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Mary J. O'Reilly of Savannah, Ga., said: "What a contrast his behaviour was to that of our heroic spacemen who at those very moments (all nine hours of them) were hurling themselves courageously onward to the moon."

Mary Mullins of Boston wrote: "... Ted could kick my 80-year-old mother down on Boston Common; stomp on my dog and spit on me. I would be so proud I would never wash again. Everyone who doesn't love Sen. Ted like me ought to go to jail for two months ... no suspension of sentence."

Kathleen Melia of Beale street, Wollaston: "I am unable to vote because of my age but all my friends and

classmates are for Sen. Kennedy. After all, we are the future citizens of the United States of America and if Ted runs in 1976, we will all be of age and vote for him."

Lawrence S. DiCara, Dorchester: "I retain my confi-

dence in Sen. Edward M. Kennedy and I offer the following American Indian prayer to those who do not.

"Great Spirit: Grant that I may not criticize my neighbor until I have walked a mile in his moccasins!"

(Mount Clipping in Space Below)

78% Back Ted



QUESTION: "Do you think Sen. Kennedy should retain his seat in the United States Senate or resign?"

REMAIN	RESIGN	No Opinion
78%	6%	16%

By DAVID B. WILSON

Globe Staff

Sen. Edward M. Kennedy's popularity in Massachusetts is undiminished in the aftermath to his fatal automobile accident, according to a special Massachusetts poll, conducted for the Boston Globe by Becker Research Corp.

This is the first scientifically conducted polling of the state's voter sentiment since the senator's plea for a public response last week.

As of last week-end, following his Friday night televised account of the incident, 84 percent of a representative sample of the Massachusetts public approve of the way he is handling himself in his job as a United States senator. Only 5 percent disapprove, with 11 percent expressing no opinion.

Almost as large a proportion—78 percent—believes he should retain his Senate seat.

And among those expressing an opinion, two out of three would like to see the senator nominated by the Democrats for President sometime in the future. One of four expressed no opinion.

In his televised statement, Kennedy asked the state's public "to think this through with me in facing this decision" of whether or not he should resign from the Senate.

"I seek your advice and opinion in making it," he said. "I seek your prayers. For this is a decision that I will have finally to make on my own."

The Becker Research figures amount to a kind of reply.

The sample was roughly half men and half women. Its political breakdown was 46 percent Democratic, 17 percent Republican and 37 percent independent.

Four out of five of those interviewed had watched the television appearance.

The decline in Kennedy popularity from 87 percent to 84 percent is not statistically significant, according to the Becker experts. For all practical purposes, the senator's popularity has remained stable in the face of these events, they said.

(Indicate page, name of newspaper, city and state.)

1 BOSTON GLOBE
—Boston, Mass.

BOSTON HERALD
—TRAVELER
Boston, Mass.
RECORD AMERICAN
—Boston, Mass.

Date: 7/29/69
Edition: Evening
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Editor: Thomas Winship
Title: KENNEDY INCIDENT

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62-0 16851-0

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CC Bureau

"Would you be for or against Senator Kennedy
being the Democratic nominee for President of
the United States at some time in the future?"

For %	Against %	No Opinion %
52	22	26
70	14	16
49	23	28
53	22	25
73	11	16
19	44	37
41	26	33
47	28	25
57	16	27
59	14	27
51	18	31
51	22	27
54	26	20
46	25	29

***Included in Boston Suburbs are the counties of Essex, Middlesex,
Norfolk, Plymouth and Suffolk; excluding Boston.

"Considering all you have heard or read about Senator Edward Kennedy, do you approve or disapprove of the way Senator Kennedy is handling himself in his job as a United States Senator?"**

	Approve		Disapprove		No Opinion	
	July '69	Spring* '69	July '69	Spring* '69	July '69	Spring* '69
Total	84	87	5	6	11	7
By Area						
Boston	86	84	2	9	12	7
Suburbs***	84	86	6	9	10	5
Rest of State	84	86	3	5	13	9
By Party						
Democrats	91	92	2	4	7	4
Republicans	73	77	11	13	16	10
Independents	79	83	5	6	16	11
By Sex						
Men	83	87	7	9	10	4
Women	84	86	2	3	14	11
By Age						
18-20	86	90	9	1	5	9
21-29	85	92	3	5	12	3
30-44	90	84	3	6	7	10
45-64	81	86	7	7	12	7
65-	77	75	5	8	18	17

*The Spring, 1969, survey consisted of personal interviews; the July, 1969, survey of telephone interviews.

"Do you think Senator Kennedy should retain his seat in the United States Senate, or do you think he should resign from the Senate?"

Should Retain Senate Seat	Should Resign Senate Seat	No Opinion
%	%	%
78	6	16
86	5	9
78	6	16
76	7	17
89	3	8
58	8	34
73	9	18
76	8	16
79	4	17
82	4	14
80	6	14
82	4	14
77	7	16
61	10	29

**The Spring, 1969, survey involved slightly different wording, as follows: "Next, how strongly do you approve or disapprove of the way Edward M. Kennedy is handling his job as U.S. Senator?"

(Mount Clipping in Space Below)

Ted, Public Both Need Time

By JOSEPH B. LEVIN

Staff Writers

Because of Sen. Edward M. Kennedy's leadership in advancing liberal legislation for the elderly, the possibility that he might resign because of the Martha's Vineyard auto tragedy is dismaying to say the least. He has invited his fellow citizens to speak out on this issue, so this writer will state one man's view, as follows:

Military experience in World Wars I and II, Korea and Vietnam has clearly shown that under stress every man has his breaking point and that no two have the same breaking point. Further the evidence is that the effect of stress is cumulative. The tragic deaths of the senator's three older brothers in the service of their country and of an older sister killed in an airplane accident are known to have been traumatic experiences of great intensity to him, the youngest member of the family.

This nation itself has shared in some of that trauma and knows how bitter it is. In the wake of all these shocks and grief he was overtaken by another in which a young woman lost her life — the result of pure accident, according to the available evidence.

The senator lost his cool and didn't report the accident for some nine hours. The inference to be drawn here, it seems to me, is that Ted Kennedy was overpowered finally by the long train of tragic events in his family for which he was not responsible and which he could neither foresee nor prevent. The

Kennedys are not demigods, just plain human beings.

Nobody ought to hold that against them. Indeed the senator may well emerge from this a stronger and fitter man than he ever was — simply through the act of facing up honestly to the consequences of his own purely human frailty, as he did when he pleaded guilty to leaving the scene of an accident.

For all those reasons, it would be in the best interests of everyone, it seems to me, if the senator would refrain from making any decision whatsoever regarding his political future until next year just before the state primaries, in which he would have to file in order to run. He needs time to mourn, to heal, to reflect — then decide. So do all the rest of us.

Sen. Kennedy's emotions and the public's are too raw and painful at this moment for final, great decisions. Only time can give the senator and the public a better perspective of events. At this moment common sense and compassion should prevail. The people did not give Sen. Kennedy their trust blindly nor will they withdraw it impulsively.

If Sen. Kennedy, after consulting his conscience, decides to carry on and run again next year, the voters will then pass judgment — as in duty they must — when they go to the polls. If he doesn't run, that will also end the matter. But meanwhile, he deserves the support of all people of good will. So it seems to me.

(Indicate page, name of newspaper, city and state.)

1 BOSTON GLOBE
Boston, Mass.

BOSTON HERALD
TRAVELER
Boston, Mass.
RECORD AMERICAN
Boston, Mass.

Date: 7/28/69
Edition: Evening
Author:
Editor: Thomas Winship
Title: KENNEDY INCIDENT

Character:
or
Classification: 62-
Submitting Office: Boston

☐ Being Investigated

62-5078-4
62-5-10851-2

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 30 1969	
FBI — BOSTON	

CC: Bureau

(Mount Clipping in Space Below)

Mail Volume 2d Only to JFK's

Messages in response to Sen. Edward M. Kennedy's appeal for help in deciding whether to remain in the Senate continued today to flow into Hyannis Port where the senator remained in seclusion.

More than 30,000 telegrams have been handled by the Western Union office in Hyannis, since the 27-year-old senator made his plea Friday night.

However, Judith Scrafini, manager

of the office, said today that it appears the volume is "beginning to taper off."

Sen. Kennedy's Boston office reported four hampers of mail had been received and 27 telephone calls during the first 15 minutes the office was open today.

James King, the senator's administrative assistant in the Boston office, said, "None of the calls were negative.

"We were astounded by the response," King said. He said of the 400

calls received on Saturday only "six were negative."

King said the senator's Boston office normally receives about 500 letters a week and "it looks like we have three weeks' mail here just today."

Observers noted that nine bags of mail were delivered to the Kennedy Compound this morning.

(Indicate page, name of newspaper, city and state.)

1 BOSTON GLOBE
Boston, Mass.

BOSTON HERALD
TRAVELER
Boston, Mass.
RECORD AMERICAN
Boston, Mass.

Date: 7/28/69
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SEARCHED	INDEXED
SERIALIZED	FILED
JUL 30 1969	
FBI - BOSTON	

CC: Bureau

The Western Union office in Boston is no longer handling any Kennedy telegrams. During the week-end, however, Hyannis was deluged by messages and the Boston office had to intercept thousands of calls.

Over the weekend, the Globe's switchboard was swamped with calls from people who wanted to make their attitude known.

The Globe's mail was the heaviest in recent years, exceeded only by the volume of letters received when John F. Kennedy was assassinated.

Generally, the mail and telephone messages fell into three categories — support, confusion, outrage.

Here is a sample:

"Although I am not a resident or voter of the state . . . I would like very much to see Senator Kennedy not only continue as a great senator from the state of Massachusetts, but continue vigorously his career in national politics."

"Your speech . . . was magnificently written and eloquently given but instead of answering any of the

questions that have arisen from this tragedy it has only created more."

"In the interest of the people of Massachusetts, I call

for Senator Kennedy to resign his senate seat. His conduct during the past week has suggested grave weakness of character unfitting a public servant."

F B I

Date: 7/19/69

Transmit the following in _____
(Type in plaintext or code)

Via T E L E T Y P E

(Priority)

TO: DIRECTOR

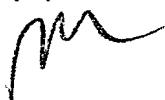
FROM: BOSTON

MARY ~~PALPORKI~~ (PHN), INFORMATION CONCERNING.
KOPECHNE

ON THIS DATE DOMINIC J. ARENA, CHIEF OF POLICE, EDGARTOWN, MARTHA'S VINEYARD, MASSACHUSETTS, ADVISED BODY OF FEMALE FOUND IN OVERTURNED CAR IN WATER. TENTATIVELY IDENTIFIED AS ABOVE, WHO WAS FORMER SECRETARY TO FORMER SENATOR ROBERT F. KENNEDY. MR. ARENA CONFIDENTIALLY ADVISED THAT DRIVER OF AUTOMOBILE WAS SENATOR EDWARD M. KENNEDY WHO WAS UNINJURED. STATED FACT SENATOR KENNEDY WAS DRIVER IS NOT BEING REVEALED TO ANYONE.

END.

1-Boston
JRD:mm
(1)



62-5078-2

62-0-1685-1-2

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
JUL 22 1969	
FBI - BOSTON	

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

UNITED STATES GOVERNMENT

Memorandum

b6
b7C

TO : SAC Boston

DATE: 7-19-69

FROM : SA [redacted]

SUBJECT: MARY PALPORKI (PHN)

Info Concerning

At 3¹⁹ PM this date Supervisor

[redacted]

Bureau telephone

regarding incident involving Senator

Kennedy. He was advised of teletype

captioned as above which was sent

at 2⁴⁵ PM & of Mr [redacted] prior

telephone call to Bureau. The

contents of the teletype were read

to Mr [redacted] Mr. [redacted] was

very appreciative of the information
he received.

1 - Boston
JRD/



5010-108

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

62-0-1685

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
JUL 22 1969	
FBI - BOSTON	

62-5078-1

He was also advised that
Boston radio station WBZ had
just announced that Senator
Kennedy was the driver of the
automobile.